This publication was prepared by the Public Health Law Center at William Mitchell College of Law, St. Paul, Minnesota, through a contract with the Open Door that was funded by the Dakota County Public Health Department through a grant from the Minnesota Department of Health’s Statewide Health Improvement Program.

This brief is provided for educational purposes only and is not to be construed as legal advice or as a substitute for obtaining legal advice from an attorney. Laws and rules cited are current as of May 2015. The Public Health Law Center provides legal information and education about public health, but does not provide legal representation. Readers with questions about the application of the law to specific facts are encouraged to consult legal counsel familiar with the laws of their jurisdictions.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>TABLE OF CONTENTS</td>
<td>3</td>
</tr>
<tr>
<td>EXECUTIVE SUMMARY</td>
<td>5</td>
</tr>
<tr>
<td>Project Background</td>
<td>6</td>
</tr>
<tr>
<td>Gaps, Barriers and Opportunities</td>
<td>8</td>
</tr>
<tr>
<td>General Municipal Ordinance Issues</td>
<td>8</td>
</tr>
<tr>
<td>Growing Food</td>
<td>9</td>
</tr>
<tr>
<td>Processing Food</td>
<td>10</td>
</tr>
<tr>
<td>Getting Food</td>
<td>10</td>
</tr>
<tr>
<td>Making Food</td>
<td>12</td>
</tr>
<tr>
<td>Disposing Food</td>
<td>12</td>
</tr>
<tr>
<td>Research Process</td>
<td>13</td>
</tr>
<tr>
<td>Use of Definitions</td>
<td>13</td>
</tr>
<tr>
<td>Appendices</td>
<td>14</td>
</tr>
<tr>
<td>GENERAL INFORMATION</td>
<td>15</td>
</tr>
<tr>
<td>The Minnesota Food Charter</td>
<td>15</td>
</tr>
<tr>
<td>State Laws Impacting the Food System</td>
<td>16</td>
</tr>
<tr>
<td>State and Local Agency Oversight of Food System</td>
<td>17</td>
</tr>
<tr>
<td>Minnesota State Agency Oversight of Food System</td>
<td>17</td>
</tr>
<tr>
<td>Municipal Government Oversight of Food System</td>
<td>18</td>
</tr>
<tr>
<td>Local Government Ordinances Regulating the Food System</td>
<td>18</td>
</tr>
<tr>
<td>Licenses</td>
<td>19</td>
</tr>
<tr>
<td>Permits</td>
<td>20</td>
</tr>
<tr>
<td>Land Use Planning &amp; Zoning</td>
<td>20</td>
</tr>
<tr>
<td>Variances and Conditional Use Permits</td>
<td>23</td>
</tr>
<tr>
<td>Regulating Structures</td>
<td>24</td>
</tr>
<tr>
<td>GROWING FOOD</td>
<td>26</td>
</tr>
<tr>
<td>Gardening</td>
<td>27</td>
</tr>
<tr>
<td>Farming</td>
<td>28</td>
</tr>
<tr>
<td>Keeping Animals (including Bees, Chickens, and Chicken Coops)</td>
<td>29</td>
</tr>
<tr>
<td>Fences</td>
<td>31</td>
</tr>
<tr>
<td>Arbors, Trellises, Pergolas, Planting Boxes, and Raised Beds</td>
<td>32</td>
</tr>
<tr>
<td>Greenhouses and Hoop Houses</td>
<td>33</td>
</tr>
<tr>
<td>Shed</td>
<td>35</td>
</tr>
<tr>
<td>PROCESSING FOOD</td>
<td>36</td>
</tr>
<tr>
<td>GETTING FOOD</td>
<td>38</td>
</tr>
<tr>
<td>Selling Products of a Farm or Garden</td>
<td>40</td>
</tr>
<tr>
<td>Farmers’ Markets</td>
<td>40</td>
</tr>
</tbody>
</table>
Restaurant ............................................................................................................................. 42
Mobile, Temporary, and Seasonal Food and Beverage Service Establishments .............. 44
Transient Merchant ............................................................................................................. 46
Grocery Store ..................................................................................................................... 47
Displaying Signs .................................................................................................................. 49
Parking .................................................................................................................................. 51
MAKING FOOD .................................................................................................................... 52
DISPOSING FOOD ............................................................................................................. 54
Composting ........................................................................................................................ 54
Recycling and Waste Disposal ......................................................................................... 56
APPENDICES ...................................................................................................................... 58
APPENDIX A: SEARCH TERMS .......................................................................................... 59
APPENDIX B: REGULATIONS GOVERNING ACCESSORY BUILDING, STRUCTURES, AND USES .................................................................................................................. 60
APPENDIX C: REGULATIONS GOVERNING THE EXTERIOR OF STRUCTURES AND BUILDINGS ..................................................................................................................... 65
APPENDIX D: LANDSCAPE PLAN REQUIREMENTS .......................................................... 68
APPENDIX E: GENERAL PROVISIONS GOVERNING ZONING ......................................... 71
APPENDIX F: MUNICIPAL CODE PROVISIONS ................................................................... 73
Gardening .......................................................................................................................... 73
Farming ............................................................................................................................. 77
Farm Animals ...................................................................................................................... 79
Chicken Coops .................................................................................................................... 86
Fence .................................................................................................................................... 87
Planting Boxes .................................................................................................................... 90
Arbors, Trellises, and Pergolas ......................................................................................... 91
Greenhouse ........................................................................................................................ 92
Hoop House ....................................................................................................................... 92
Shed ..................................................................................................................................... 93
Grocery Store .................................................................................................................... 93
Farmers Markets ............................................................................................................... 93
Food Establishments ......................................................................................................... 94
Food Carts, Mobile Food Units, and Food Stands ............................................................ 96
Transient Merchant .......................................................................................................... 98
Parking ................................................................................................................................ 101
Signage ............................................................................................................................... 105
Composting ....................................................................................................................... 110
Garbage Disposal & Recycling ....................................................................................... 111
APPENDIX G: APPENDIX G: STATE EXEMPTIONS FROM STATE FOOD HANDLERS LICENSING REQUIREMENTS ........................................................................................................... 113
ENDNOTES ......................................................................................................................... 119
EXECUTIVE SUMMARY

Diets high in vegetables, fruits, whole grains, and lean proteins help maintain a healthy weight and avoid chronic diseases related to poor diet such as diabetes, cancer, and heart disease. But for many people, eating a healthier diet is not as simple as choosing to eat healthier foods. Some neighborhoods do not have grocery stores that sell healthy foods and sometimes healthy foods are too expensive for people to buy. Some neighborhoods have access to community gardens and farmers’ markets, while others do not. To eat healthier diets, people need better access to healthy, affordable food.

As local communities seek to increase their access to healthy foods, they are finding that many aspects of the local food environment are impacted by a wide range of municipal (city and county) and state laws. For example, state laws create food safety requirements for restaurants and local laws can create zoning restrictions governing where a restaurant or community garden can operate. Understanding how municipal and state laws impact access to healthy food is critical for those seeking to increase access to healthy food.

This policy brief analyzes local ordinances in Inver Grove Heights, current as of May 2015, that may directly or indirectly impact access to healthy food in Inver Grove Heights. While this policy brief focuses primarily on Inver Grove Heights’ municipal regulations impacting the local food system, it also flags areas where state law may impact relevant activity at the local level. This analysis can be read in whole or in part. Citations are included at the end of this document for further reference.

The analysis divides the material into the following sections:

- growing,
- processing,
- distributing,
- getting,
- making,
- eating, and
- disposing of food.

These sections follow the structure of the food system identified by the Minnesota Food Charter to create consistency and continuity between this local food system analysis and the statewide food system analysis developed in Minnesota’s Food Charter.¹

¹ A copy of the Minnesota Food Charter is available online at http://mnfoodcharter.com/wp-content/uploads/2014/10/MNFoodCharterSNGLFINAL.pdf. Please see page 17 of the charter for a graphic of the food system.
Each section is divided into subsections focused on key areas of interest. Within each subsection, relevant state law and municipal regulations are identified and discussed.

This policy brief addresses the following questions regarding each section and subsection:

- Does the municipal code require a license or permit?
- What are the relevant regulations?

This brief also includes the specific regulatory language (see *italics* for cue when either a municipal code provision or state law is directly quoted) in Appendix F.

Lastly, when appropriate, this policy brief identifies potential resources and links to additional information, especially when state law may have an impact on the issue discussed.

When assessing opportunities and barriers impacting access to healthy food in different municipalities, it is important to recognize that there is not a “one size fits all” approach to municipal regulations impacting access to food. The ordinances governing activities in a municipality reflect different historical, political, environmental, and economic realities. Municipalities that are more rural in nature with more land and a stronger farming background will often have different priorities and needs reflected in their municipal ordinances than municipalities with greater population densities and more industrial or business enterprises. Those seeking to increase access to healthy food through local ordinances must recognize the different characteristics in a particular municipality and be sensitive to the larger municipal structure and priorities when identifying priorities and setting a policy agenda.

**Project Background**

In April 2015, using funding from the Minnesota Department of Health’s Statewide Health Improvement Program provided by the Dakota County Public Health Department, the Open Door contracted with the Public Health Law Center (Center) to analyze how the municipal codes impact the local food system to support the Open Door’s efforts to increase access to healthy
food for its clients and Dakota County communities. This project analyzes the impact the municipal codes in the following municipalities have on access to healthy food:

- Apple Valley,
- Burnsville,
- Dakota County,
- Eagan,
- Farmington,
- Hastings,
- Inver Grove Heights
- Lakeville,
- Mendota Heights,
- Rosemount,
- South St. Paul, and
- West St. Paul.

The Center developed individual memos for each of these municipalities. In addition, the Center developed a Summary Guide providing an overview of key findings from the project’s research for the county and city ordinances in Dakota County reviewed. The Summary Guide walks through 15 different issues and compares how each of the municipalities researched for this project governs a particular issue.

For some topics, such as on-site composting, the State of Minnesota has also established statewide regulations governing the activity or practice. For the most part, Minnesota statutes and regulations do not regulate personal activities related to urban agriculture within municipal boundaries, especially if the activities are on private land, however, there are several activities that have received state attention, including:

- Structures and buildings
- On-site composting
- Beekeeping
- The sale of personally grown produce
- Food safety
- Food retail (particularly the sale or processing of food)
- Farmers’ markets

A discussion of state law is beyond the scope of this project. However, the following resources provide an overview of the key state laws impacting access to food that may overlap with the issues discussed in this memo:

In addition, information about some recent changes to Minnesota state law not included in these resources has been provided in Appendix G, below.

Gaps, Barriers and Opportunities

During the course of this project, researchers reviewed local ordinances to identify general themes, including gaps, barriers, and opportunities, that impact the ability of the local community to access healthy food. The following discussion provides an overview of some of the key gaps, barriers, and opportunities identified in the municipal ordinances reviewed that impact access to healthy food. The discussion of gaps, barriers, and opportunities is broken down into general municipal ordinance issues impacting access to healthy food and the different components of the food system identified in the Minnesota Food Charter, including growing, process, getting, making, and disposing of food.

General Municipal Ordinance Issues

Many municipalities include a general restriction within the zoning code indicating that if a particular use or activity is not specifically allowed, then that use or activity is prohibited. This type of general restriction can inadvertently restrict or prohibit different activities increasing access to healthy food. For example, if a municipality has this general restriction in its code, all activities promoting access to healthy food, such as community gardens, farmers’ markets, and keeping bees and chickens, must be specifically recognized as permitted or allowed to be a lawful activity. The review of Dakota County municipal ordinances included in this project found that many municipal codes that include this general restriction failed to specifically permit a wide range of activities throughout the code that serve to increase access to healthy food. Municipalities may want to assess the extent to which the general restriction against any activity that is not specifically permitted may impact activities promoting access to healthy food.

In addition, many municipal ordinances restrict a property from developing an accessory use or activity on a property before a principle use or structure is established. This type of restriction can impact the establishment of community gardens on vacant lots, especially if gardening activities are only recognized as an accessory use of property.

Finally, local ordinances that specifically define and approve certain activities that increase access to healthy food can serve to promote these activities and create a more supportive environment. For example, municipal ordinances can provide a definition of a certain activity or structure to provide direction to community members, such as defining the terms restaurant, community garden, or farm animal. While many of the municipal ordinances reviewed included a broad range of definitions for different activities or structures impacting growing and getting food, a number of local ordinances reviewed never used the defined term. Providing a definition is a start, but the defined term then should be followed with regulation for that use. The regulation may be to allow the use, such as gardening, in all zones, or the regulation may be to require fencing for community gardens. Having a term defined and used within the code not only
helps residents, businesses, and would be entrepreneurs understand the local requirements but also proactively establishes parameters for addressing needs for healthy food within a community.

**Growing Food**

**Gardening**

Allowing backyard and community gardens as permitted uses within, at a minimum, all agricultural and residential zones has the effect of promoting these uses by identifying them. Additionally, by specifically identifying and approving community gardens, the general restriction found in many cities for unidentified uses is removed. Including vegetable gardens and production in the definitions of backyard and community gardens as well as urban agriculture, landscaping, agriculture, agricultural pursuits, and farming can clarify ambiguities within existing regulations. Finally, establishing community garden regulations can provide support to these activities while also ensuring these activities are appropriately used throughout a city.

For example, by recognizing community gardens as a principle use, municipalities can recognize community gardens as a proper use of vacant lots. In addition, cities may want to assess allowing the sale of products on the garden site where the produce is grown. These types of regulations can allow neighborhoods to establish gardens that not only increase access to healthy food but also promote livable neighborhoods within a city.

**Farming**

Different municipalities take a wide range of approaches to the definition and regulation of farming within the city. At the same time, the term “farm” is also used in some municipal ordinances out of context, without a specific or clear definition in the ordinance. Municipalities may want to assess their approach to governing farms in the city limits and make sure that the definition of farm is consistent with other municipal ordinances.

**Keeping Animals**

By identifying allowable animals, such as bees and chickens, and developing appropriate restrictions, municipalities can enable residents to increase their access to foods like eggs and honey. Some municipal codes restrict the total number of permits allowed for chickens or beekeeping. In addition, some codes include limits on the duration of the permit and the opportunity to renew existing permits. These types of regulations can discourage community members from pursuing these activities even when the municipal code allows the activity in certain areas. Chicken owners who cannot be assured of maintaining their permit from year to year may have less incentive to invest in coops that provide livable, healthy chicken environments, which also reduce nuisance issues that are a concern to neighboring residents.
Additionally, many cities do not address beekeeping. Home beekeeping can enhance vegetable and flower garden pollination, give residents access to local honey, and help develop an economic stream through individual sales to other community members.

**Arbors, Trellises, Pergolas, Planting Boxes, and Raised Beds**

Most municipalities did not include definitions for these types of gardening structures. These structures are generally too small to warrant any specific regulation or permit requirements. However, municipalities should ensure that any general restriction ordinances that prohibit any structures not specifically permitted do not inadvertently prohibit the use of these gardening structures.

**Greenhouses and Hoop Houses**

Greenhouses and hoop houses generally were either not addressed or addressed only as a commercial use. Small-scale hoop houses and greenhouses increase the growing season for individual or community gardeners and positively increase the amount of healthy food that a garden is able to produce. Municipalities that do not include specific regulations or direction about the use of commercial or private hoop houses or greenhouses may want to assess the interest in these gardening structures in their community and how local regulations can support these types of structures and the gardening activities they allow.

**Processing Food**

Food processing facilities can provide an important resource for local food producers to extend their market and provide new business enterprises and employment to local communities. No city in this research specifically identified food processing facilities within its code. While licensing of these types of facilities is generally done by the state, local zoning regulations can identify where these types of facilities may be located within a city. In addition, economic development policies can promote these types of facilities on a small as well as large scale.

**Getting Food**

**Seasonal Produce/Farm Stands**

Many cities did not define seasonal produce stands even though seasonal produce or farm stands are explicitly allowed or restricted in the code. In addition, licensing requirements for mobile food vendors can also impact the sale of seasonal produce. Some municipal codes reviewed limited the total number of licenses for mobile vendors without indicating if these limitations applied to seasonal produce stands that may operate out of a vehicle. Municipalities may want to assess how their local code defines and regulates both seasonal produce stands and mobile food vendors. Some code regulations may create unintended barriers that inhibit the ability of local producers to sell their produce or negatively impact the ability of mobile food vendors from selling fresh produce and other healthy food items.
Farmers’ Markets

Farmers’ markets were addressed at least minimally by some cities. However, many municipal ordinances did not reflect the growing interest and success of farmers’ markets as a key healthy food source for local communities and the different ways that farmers’ markets are partnering with community organizations, such as churches, to increase access to fresh produce. For example, municipal ordinances that restrict the sale of goods on required off-street parking can create barriers to organizations or businesses that would like to host a farmers’ market, such as churches. Organizations or businesses hosting farmers’ markets in their parking lots do not need the parking spaces during the hours of the farmers’ market operations. Accordingly, restrictions against the use of these required parking spaces for the sale of goods from a farmers’ market is unnecessary. Municipalities may want to assess how their municipal code can support the expansion of farmers’ markets in different zones and on different types of properties.

Restaurants

The municipal codes reviewed for this project take widely different approaches to how restaurants are regulated. The definitions used by different municipalities for restaurants range from very general definitions covering all restaurants to extremely specific definitions identifying different types of restaurants. Specific restaurant definitions identified by this research include: drive-in, fast food, delivery or take-out, full-service, traditional, and cafeteria, amongst others. Many municipalities then use their zoning codes to determine where different types of restaurants are allowed, including some with restrictions on how close different types of restaurants can be located to schools, churches, or other community features within different zones.

Municipalities may want to assess how they define different types of restaurants and where a specific type of restaurant can operate. Creating regulations that encourage restaurants with healthier menus in areas community members frequent can greatly enhance the access community members have to healthier food and reduce access to unhealthy food.

Mobile Food Vendors

Mobile food vendors have been addressed to varying degrees within the cities assessed. Some cities identified specific zones where mobile food vendors can operate and also limit the number of licenses and times of operation for these vendors. While mobile food vendors are generally licensed by the state, cities that have not addressed mobile food vendors may want to assess how their local code can encourage mobile food vendors focused on healthy food options. For example, some social service agencies are exploring how to increase access to healthy food for low-income residents through mobile food shelves and mobile grocery stores. Municipal ordinances that restrict sales or giveaways from vehicles parked on city streets or require off-street parking for food vendors can create obstacles to the ability of social service agencies to provide access to healthy food for low-income residents.
**Transient Merchants**

All municipal codes reviewed included some regulation of transient merchants. However, many municipalities did not specifically indicate how or if the regulations governing transient merchants impacted vendors or merchants selling fresh farm products or other healthy food items. At the same time, some municipal ordinances specifically applied the regulations governing transient merchants to those selling fresh farm products and other healthy food items. Municipalities may want to assess how regulations governing transient merchants impact seasonal produce vendors and determine if any changes need to be made to ensure that regulations governing transient merchants do not inadvertently burden vendors selling fresh farm produce or other healthy food items.

**Grocery Stores**

The municipal codes reviewed for this project take widely different approaches to how grocery stores are regulated. Many municipalities do not define grocery store, even though the municipal code may specify the zones in which a grocery store can operate. In addition, the municipal codes reviewed vary greatly in regards to where grocery stores could operate. Some municipal codes include very strict limitations on where a grocery store can operate. These types of restrictions can inhibit the ability of local neighborhoods to have access to healthy food retail options if grocery stores are only allowed in zones far from residential areas.

Municipalities may want to consider how they define and regulate grocery stores and other food retail, and create criteria for grocery stores and other food retail that emphasizes healthy food as part of the food retail operations. In addition, municipalities may want to assess any limitations on where grocery stores can operate to ensure that residential neighborhoods, including those with higher numbers of low-income housing, and other areas where community members frequent, such as business districts, have access to grocery stores and healthy food retail.

**Making Food**

While no city in this policy analysis addressed commercial kitchens, commercial kitchen space is needed for many types of food production. One way that cities may address this is by making for-rent commercial space available within community centers, allowing this type of use in community buildings and on public property, or even by identifying the zones where commercial kitchen incubators businesses are allowed.

**Disposing Food**

Overall, composting for food waste was not adequately addressed by most cities. When composting was addressed, it was typically only for yard waste. At the same time, many municipalities only recognized food waste as garbage or refuse. Establishing regulations for how compost is defined and recognizing food waste as part of the definition of compost can improve the ability of residential, institutional, and commercial properties to reduce this type of waste.
from the municipal waste stream while also providing an important resource to gardeners and urban agriculture initiatives.

Research Process

The Public Health Law Center identified a list of relevant “search terms” in consultation with The Open Door and Dakota County Public Health that describe activities or structures likely to impact the growing, processing, and selling of food. (A list of those terms are included in Appendix A.) Researchers used the online edition of Inver Grove Heights’ municipal code, available publicly at: http://www.sterlingcodifiers.com/codebook/index.php?book_id=542.

Each search term was entered into a “search” setting within the online municipal code for any potential matches. If a relevant match was found, the regulatory municipal code language is included. For some search results, the findings were deemed irrelevant. Researchers reviewed all search results and identified those relevant to the scope of this project.

Use of Definitions

The growing, processing, and selling of food encompasses a wide range of farming, agricultural, and business practices that may occur within a municipality. This brief presents the applicable definitions established by the City of Inver Grove Heights at the beginning of each section. For example, at the beginning of the Restaurants sub-section, the definitions for “Restaurant” and “Restaurant, Fast Food” are included at the very top of the section. The use of definitions ensures the reader understands how the municipality describes certain activities and structures.

For example, the City of Inver Grove Heights differentiates between fast food restaurants and general restaurants as follows:

★ **Restaurant.** A business establishment whose principal business is the selling of unpackaged food to the customer in a ready to consume state, in individual servings, or in nondisposable containers, and where the customers consume these foods while seated at tables or counters located within the building.¹

★ **Restaurant, Fast food.** An establishment that offers quick food service of items already prepared, prepackaged or quickly served. Orders are not generally taken at the customer’s table but at an order/pick up counter or at a drive-through window. Food may be consumed on site or carried out.²

It is important to note that many of the definitions established by the City of Inver Grove Heights are often narrower than how those terms may be understood by the general public or used outside of a legal context. Additionally, the City has not defined all terms, even those used throughout the municipal code. In that instance, the failure to define a term is highlighted in each section. One unintended consequence of a municipality choosing not to “define” a certain term is that the
activity or structure may be captured in an unrelated or overly broad set of regulatory provisions. For example, while food is sold at grocery stores, farmers markets, and restaurants, there could be consequences for treating the sale of food at all three of these entities in the same way. At the same time, a municipality may choose not to specifically define a certain term to allow for greater flexibility in municipal governance. The decision to specifically define or regulate a certain area of the food system is dependent on the specific needs and community characteristics of an individual municipality.

Appendices

This policy brief has a several appendices attached to the end of the document. The appendices provide additional context to a variety of topics, including:

- Appendix A: Search terms
- Appendix B: Regulations governing accessory buildings, structures, and uses
- Appendix C: Regulations governing the exterior of structures and buildings
- Appendix D: Landscape plan requirements
- Appendix E: General provisions governing zoning
- Appendix G: State Exemptions from State Food Handlers Licensing Requirements
GENERAL INFORMATION

Before reviewing specific local ordinances impacting the food system, this memo briefly discusses some general concepts providing context regarding and impacting access to healthy food in Inver Grove Heights, including:

- The Minnesota Food Charter
- State Laws Impacting the Food System
- State and Local Agency Oversight
- Policy Levers Used by Local Governments

The Minnesota Food Charter

The Minnesota Food Charter is described as:

“[A] roadmap designed to guide policymakers and community leaders in providing Minnesotans with equal access to affordable, safe, and healthy food regardless of where they live.

The strategies for policy and systems change described in the Food Charter are designed to reduce the risk and cost of obesity and diet-related diseases, like diabetes and heart disease; conserve state resources; and boost economic prosperity.

The Food Charter is intended to guide planning, decision-making, and collaboration for agencies, organizations, policy-makers, and public and private entities across the state.”

The Minnesota Food Charter provides strategies for policy, systems, and environmental change to increase access to healthy food. The information included in the Minnesota Food Charter further informs the Center’s analysis of Inver Grove Heights’ regulation of different components of the food system. The Public Health Law Center used the Minnesota Food Charter to structure the analysis of Inver Grove Heights’ municipal code. The Food Charter breaks the food system into seven parts: (1) grow, (2) process, (3) distribute, (4) get, (5) make, (6) eat, and (7) dispose. The Center uses the broad categories of growing, processing, distributing, getting, making, and disposing to frame each section of this brief.†

† This analysis does not include the category of “eating” as local governments do not regulate this area as directly as the other areas identified.
For more information:
The Minnesota Food Charter is available online at http://mnfoodcharter.com/.

State Laws Impacting the Food System

A number of Minnesota laws impact the food system and authority municipal governments have to regulate a certain area. Areas impacted by state law include, but are not limited to:

- Buildings and plumbing requirements,
- Sale of personally grown, unprocessed agricultural products,
- Licensing of food establishments,
- Food safety standards,
- Sale of products prepared in unlicensed kitchens, and
- Food sampling at farmers’ markets and other community events.

A discussion of state laws impacting the food system is beyond the scope of this project. Additional information on state laws impacting the local and regional food system can be obtained at:


In addition, information about some recent changes to Minnesota state law not included in these resources has been provided in Appendix G, below.
State and Local Agency Oversight of Food System

Minnesota state and local government entities have varying degrees of authority to establish laws that directly or indirectly impact the local food system. Understanding the authority state and local governments have to regulate different aspects of the food system is important to identify opportunities to increase access to healthy food in local communities and around the state.

Minnesota State Agency Oversight of Food System

Minnesota law gives authority to regulate different components of the food system to a range of Minnesota state agencies. The most well-known include the Minnesota Departments of Health (MDH) and Agriculture (MDA). Specifically, these agencies have the power to create, implement, and enforce rules governing food safety through authority granted by the Minnesota legislature. The following table provides a brief overview of the different roles MDA and MDH have in regulating the food system.

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>SOURCE OF FOOD</th>
<th>REGULATORY AUTHORITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>MDH</td>
<td>Cafes, Restaurants, Bars, Hotels &amp; motels, Cafeterias</td>
<td>Licenses and inspects food establishments(^{10}), Enforces Minnesota Food Code(^{11}), Provides food safety and food handling education and training(^{12}), Investigates outbreaks(^{13}), Tracks and monitors foodborne illness(^{14}), Operates the Minnesota Foodborne Illness Hotline(^{15}), Releases reports and summaries of foodborne illness outbreaks in Minnesota(^{16}), Coordinates response to foodborne illness outbreak with other state and local government agencies</td>
</tr>
<tr>
<td>MDA</td>
<td>Grocery stores, Bakeries, Egg handlers, Dairy farms, Delis, Food manufacturers, Wholesale food dealers, Meat &amp; poultry processors</td>
<td>Licenses and inspects certain food retailers, dairies, and meat processors, Licenses and inspects food manufacturers, wholesalers, and retailers(^{17}), Enforces Minnesota Food Laws and the Minnesota Food Code(^{18}), Enforces state standards relating to food quality, labeling, and advertising(^{19}), Investigates complaints regarding questionable food products or food sales practices(^{20}), Cooperates in foodborne illness outbreak investigation when involving MDA-regulated facilities or food that is commercially distributed in Minnesota, Tests food products and environmental samples for the presence of pathogens or deleterious substances</td>
</tr>
</tbody>
</table>

Please note, there are a number of areas that MDA is involved in responding to foodborne illness beyond those mentioned in this resource. Please see [http://www.mda.state.mn.us/](http://www.mda.state.mn.us/) for more information about the agency’s specific role.
Municipal Government Oversight of Food System

In Minnesota, there are several mechanisms through which a municipal government may be able to regulate the food system. For example, MDA and MDH have delegated some of their authority to regulate different aspects of the food system to a limited number of municipalities, including the authority to license food establishments and oversee food safety requirements (this authority is referred to as “delegated authority,” because the Minnesota Department of Agriculture or Minnesota Department of Health must delegate powers to the specific municipality). Municipal governments also have the authority to establish zoning and permitting requirements through their municipal code to impact different aspects of the food system.

At this time, the City of Inver Grove Heights does not have delegated authority to regulate food safety practices within food establishments, retail establishments, or food facilities. As a result, this memorandum focuses on how Inver Grove Heights regulates the food system through its municipal code.

Local Government Ordinances Regulating the Food System

Minnesota state law recognizes that local governments have the power to enact ordinances and other regulatory tools. An ordinance is generally defined as “a local law of a municipal corporation, duly enacted by the proper authorities, prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality.”

For many local municipalities, local ordinances can be an effective way to increase access to healthy, affordable food. Local governments can change zoning laws to make it easier to create new grocery stores, farmers’ markets, and community gardens. New regulations and incentives can help existing stores increase the number and variety of healthy products they sell. Local governments can also create food policy councils to give residents a voice in how best to improve access to healthy food.

Understanding the different types of legal tools used by local governments to regulate the food system is important. These tools, also called “official controls”, can be used to increase access to healthy food. Minnesota state law gives local governments a broad range of powers over different aspects of the local food environment. For example, the primary policy levers used by local governments impacting access to healthy food, discussed below, include:

- Licenses,
- Permits,
- Land use planning and zoning,
- Variances and conditional use permits, and
- Regulation of structures.

Minnesota state law explicitly gives local governments the power to regulate many activities impacting healthy food through ordinance. For those cities governed by a home rule charter, the cities can exercise any powers in their locally adopted charters as long as these powers do not
conflict with state laws.\footnote{Generally, a “home rule charter” serves as the constitution of a local city choosing to use the home rule charter as its governing law rather than Minnesota state law governing statutory cities. Of the municipalities reviewed for this project, the following cities are governed by a home rule charter: Hastings, South St. Paul, and West St. Paul.} Minnesota state law gives statutory cities\footnote{Under Minnesota law, a “statutory city” is any city which has not adopted a home rule charter pursuant to the Constitution and the Minnesota laws, including includes every city which was a village on January 1, 1974. Of the municipalities reviewed for this project, the following cities are statutory cities: Apple Valley, Burnsville, Eagan, Farmington, Inver Grove Heights, Lakeville, Mendota Heights, and Rosemount.} explicit authority to regulate a wide range of areas, including:\footnote{This language acts almost as a catch-all, being very broad and allowing statutory cities to regulate further activities when reasonably classified within this general welfare provision.}:

- Streets;
- Sidewalks;
- Public grounds;
- Buildings;
- Parks;
- Markets;
- Waterworks;
- Tourist camps;
- Transient commerce;
- Health;
- Haulers;
- Amusements, and
- Restaurants.

While Minnesota state law identifies specific areas over which statutory cities have authority, this language is also non-exhaustive. Minnesota state law gives statutory cities additional power to promote “health, safety, order, convenience, and the general welfare.”\footnote{Cities have adequate legislative authority for any licensing ordinance, as long as it is constitutional, reasonable, and not pre-empted by state regulation.} This language acts almost as a catch-all, being very broad and allowing statutory cities to regulate further activities when reasonably classified within this general welfare provision.

### Licenses

Generally, licensing is used as a regulatory mechanism through which “local governments promote the public welfare and protect public health, safety and welfare…”\footnote{Local governments generally have power to license through state law giving local governments the power to exercise police powers to protect and promote the public welfare. “When a city official proposes local licensing of any activity or occupation, the city must determine whether the state already licenses that activity and, if so, whether the law forbids or allows that local license. . . Cities have adequate legislative authority for any licensing ordinance, as long as it is constitutional, reasonable, and not pre-empted by state regulation.”} Local governments generally have power to license through state law giving local governments the power to exercise police powers to protect and promote the public welfare. "When a city official proposes local licensing of any activity or occupation, the city must determine whether the state already licenses that activity and, if so, whether the law forbids or allows that local license. . . Cities have adequate legislative authority for any licensing ordinance, as long as it is constitutional, reasonable, and not pre-empted by state regulation.”

Local governments can utilize licensing strategies to increase access to healthy food and limit access to unhealthy food. They may license certain types of food businesses while not requiring licenses for others. For example, local governments may require licenses for mobile food vendors but not for restaurants generally. Additionally, licensing schemes may limit where certain fast food businesses are allowed to operate, create or remove licensing requirements for certain food businesses, and/or create incentive or ratings programs for food businesses.
Alternatively, local governments may be using licensing (or other regulations) to reduce access to healthy foods such as by prohibiting the use of required parking lots for sale of products.

Inver Grove Heights does not require general business licensing or registration for all businesses. However, Inver Grove Heights has established business licensing requirements for refuse haulers and peddlers.28

**Permits**

Permits are another policy tool used by local governments to regulate the food system and specifically certain types of food enterprises. Generally speaking, a permit is “a written license or warrant, issued by a governing body, to empower the permit holder the authority to take a specified action.”29 Similar to a license, local governments can tailor permitting provisions to support access to healthy food. Permits often used by local governments include:

1. building permits allowing for some sort of construction or structural repair,
2. zoning permits that allow for certain activities, such as farmers’ markets, to take place in a certain designated zone, and
3. special permits that can allow for residents to keep certain animals.


**Land Use Planning & Zoning**

Land use planning and zoning are fundamental tools local governments use to guide and control the use of land and manage growth in the municipality. Local governments use different policy mechanisms to establish plans for land use in the community, including comprehensive plans, land use agreements, and zoning regulations. Land use planning policies allow a local government to identify and develop goals and strategies for how the land within its jurisdiction is developed and used. The Planning and Zoning Chapter of Minnesota Statutes authorizes municipalities to conduct planning and zoning activities to guide improvements to the community and future development.30 This includes the authority to prepare, adopt and amend a comprehensive municipal plan as well as the official controls to implement that plan. Inver Grove Heights has the authority to conduct planning and enact zoning ordinances.31

Cities may adopt restrictive language which limits uses within specific zones to specifically defined uses included in the municipal ordinance. In addition, some municipalities may include a “catch-all” restriction against any uses not specifically allowed. Inver Grove Heights’ municipal code states:

“If a use is not specifically allowed as a permitted use, conditional use or an accessory use in a particular zoning district, it shall be prohibited in that zoning district unless

Page 20 of 123

Inver Grove Heights, Minnesota
Comprehensive Planning

In Minnesota, the Municipal Planning Act (“MPA”) of 1965 is the basis of the authority requiring municipalities in the metropolitan area to complete comprehensive planning. This Act reflects the Minnesota Legislature’s desire that cities use comprehensive planning for a three-fold purpose:

1. to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities,
2. to preserve agricultural and other open lands, and
3. to promote the public health, safety, and general welfare.

The cities, townships, and counties that make up the seven-county metro-area are so interdependent, that the legislature determined that these local jurisdictions would be required to complete comprehensive planning and to coordinate those plans to “protect the health, safety, and welfare of residents” and also to ensure “orderly, and economic development.” Townships in Dakota County may choose to prepare comprehensive plans for their jurisdictions or delegate their planning authority to the county by agreement.

In the metropolitan development region, state law has placed most of the seven-county “metropolitan area” under the jurisdiction of the Metropolitan Council, a “public corporation and political subdivision of the state.” State law establishes several means for the Metropolitan Council to guide urban growth and development, and includes local-level procedures and requirements for land use planning.

The Metropolitan Land Planning Act requires every local government – counties, cities, and towns – in the “metropolitan area” to develop a comprehensive plan, and to systematically review it every ten years. This “decennial review” is a multilayered process, and begins several years before the actual deadline; the next review is due in 2018. Inver Grove Heights is required to review its comprehensive plan under this law.

Comprehensive plans provide a vision and direction for future growth and development for a municipality. These plans guide the development of municipal “official controls” regulating activity and land use within the municipal boundaries and regionally. A review of Inver Grove Height’s comprehensive plan is outside the scope of this project. However, any effort to increase access to healthy food in Inver Grove Height’s and Dakota County should consider the impact of the current comprehensive plan review that will be completed in 2018. Coordinating comprehensive plan assessment and revisions with identified needs and opportunities to increase access to healthy food throughout Inver Grove Height’s municipal code is essential to ensure the comprehensive plan reflects the broader needs of the community to have access to healthy, affordable food. Inver Grove Height’s current comprehensive plan that is under review is

determined to be a substantially similar use as provided for in section 10-3-6 of this title.

**Zoning**

Zoning is a tool through which cities can implement their comprehensive plans. Zoning allows cities to divide their boundaries into zoning districts, each of which have certain restrictions and/or characteristics. For more information on zoning, please see the League of Minnesota Cities informational memo Zoning Guide for Cities, available at: http://www.lmc.org/media/document/1/zoning_guide.pdf?inline=true.

Inver Grove Heights has established the following zoning districts:

<table>
<thead>
<tr>
<th>Agricultural and Estate Districts</th>
<th>Residential Districts</th>
<th>Business Districts</th>
<th>“I” Industrial Districts</th>
<th>Special and Environmental Protection Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Agricultural district</td>
<td>R-1A One-family</td>
<td>B-1 Limited</td>
<td>I-1 Limited</td>
<td>P Institutional district</td>
</tr>
<tr>
<td>E-1 2 1/2 acre estate district</td>
<td>residential district</td>
<td>business district</td>
<td>industry district</td>
<td>Planned unit development district</td>
</tr>
<tr>
<td>E-2 1 3/4 acre estate district</td>
<td>R-1B One-family</td>
<td>B-2 Neighborhood</td>
<td>IOP Industrial</td>
<td>Shoreland management overlay district</td>
</tr>
<tr>
<td></td>
<td>residential district</td>
<td>business district</td>
<td>office park district</td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-1C One-family</td>
<td>B-3 General</td>
<td>I-2 General</td>
<td></td>
</tr>
<tr>
<td></td>
<td>residential district</td>
<td>business district</td>
<td>industry district</td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-2 Two-family</td>
<td>B-4 Shopping</td>
<td></td>
<td>Critical area overlay district</td>
</tr>
<tr>
<td></td>
<td>residential district</td>
<td>center district</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-3A Multiple-family</td>
<td>MU-PUD Mixed use</td>
<td></td>
<td>Floodplain management district</td>
</tr>
<tr>
<td></td>
<td>residential district</td>
<td>planned unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-3B Multiple-family</td>
<td>COMM-PUD Commercial</td>
<td></td>
<td>IRM Integrated resource management</td>
</tr>
<tr>
<td></td>
<td>residential district</td>
<td>planned unit</td>
<td></td>
<td>overlay district</td>
</tr>
<tr>
<td></td>
<td>R-3C Multiple-family</td>
<td>OFFICE-PUD Office</td>
<td></td>
<td>Noise abatement overlay district</td>
</tr>
<tr>
<td></td>
<td>residential district</td>
<td>planned unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-4 Manufactured</td>
<td>OP Office park</td>
<td></td>
<td>South St. Paul airport overlay district</td>
</tr>
<tr>
<td></td>
<td>home park district</td>
<td>district</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>MF-PUD Multiple</td>
<td></td>
<td></td>
<td>AP Airport overlay district</td>
</tr>
<tr>
<td></td>
<td>family planned unit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>development district</td>
<td></td>
<td></td>
<td>Northwest area overlay district</td>
</tr>
</tbody>
</table>
Variances and Conditional Use Permits

Local governments that have enacted zoning ordinances also use variances and conditional use permits as mechanisms for property owners to request deviations from land use policies. Under Minnesota statute, a variance can be used when the proposed use would be a departure from the standard created by ordinance.\textsuperscript{44} In contrast, a conditional use permit can be requested for a use that is only permitted in a zone with certain conditional requirements on a case-by-case basis.\textsuperscript{45} Inver Grove Heights provides additional clarification about variances and conditional uses as follows.

**Municipal Definitions**

- **Variance.** A modification or variation of the provisions of this title where it is determined that, by reason of special and unusual circumstances relating to a specific lot, strict application of this title would cause undue hardship.\textsuperscript{46}

- **Use, conditional.** A use specifically classified as "conditional" in this title, which is classified as such since it may be inappropriate or undesirable in a specified location. Thus it requires approval according to the procedures established in chapter 3, article A of this title because, if not carefully located or designed, it may create special problems such as excessive height or bulk or traffic congestion.\textsuperscript{47}

- **Use, temporary.** A use permitted to exist during periods of construction of the main building or use, or for special events.\textsuperscript{48}

- **Conditional use permit.** Conditional uses include those uses generally not suitable in a particular zoning district but which may, under some circumstances, be suitable. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit, and a periodic review of the permit may be required. The permit shall be issued for a particular use and not for a particular person or firm.\textsuperscript{49}

**Additional information: Variances**

See League of Minnesota Cities information memo Zoning Guide for Cities for more information on variances.

See also League of Minnesota Cities information memo Land Use Variances.
http://www.lmc.org/media/document/1/landusevariances.pdf?inline=true

**Additional information: Conditional Use Permits**

See League of Minnesota Cities information memo, Land Use Conditional Use Permits.
http://www.lmc.org/media/document/1/conditionalusepermits.pdf?inline=true
Regulating Structures

A wide range of built structures are used throughout the food system, including both permanent and temporary structures responding to the needs of a range of individuals and businesses involved in growing, processing, selling, and disposing food. These structures include, but are not limited to, sheds, hoop houses, greenhouses, fences, processing facilities, farm stands, composting facilities, and others. In Minnesota, structures are regulated by a range of Minnesota state laws and municipal codes, with Minnesota’s state laws creating minimum requirements for structures to protect healthy, safety and welfare. Municipal ordinances often address structural issues that the state building code did not address but are important to the municipality. State law and municipal codes often work together to create a comprehensive legal framework to govern different types of structures used throughout the food system.

For example, the State Building Code sets requirements for temporary and permanent structures to “establish reasonable safeguards for health, safety, welfare, comfort, and security.” Permanent and temporary structures are required to meet minimal structural requirements, and permanent structures must meet additional requirements including snow load requirements. At the same time, agricultural buildings on agricultural lands are exempted from certain provisions of the state building code. The Minnesota Building Code also exempts certain small-sized, one-story accessory structures from permit requirements prior to being constructed, altered, or repaired.

While some structures are exempt from the state building code, in many circumstances municipalities retain the authority to apply more restrictive requirements in their municipal code. For example, a municipality may require a zoning permit for certain structures even if the structure is exempt from obtaining a building permit under the state building code. Local governments in Minnesota often adopt the state building code’s minimum requirements and also regulate structures that are not covered under the state building and plumbing codes, such as structures below the size threshold covered by the state building code. In addition, many local governments have set standards for structures taking place within its boundaries on different types of properties. To illustrate, many cities establish standards for all structures considered “accessory” or that are on a property in addition to the “principal” structure (i.e., a chicken coop that is on the same property as a residential home or a community garden shed on the same property as a church). Often times, standards for accessory structures may vary depending on the zoning designation for that property.

Depending on the language in the municipal code, regulations governing different types of structures may burden certain activities impacting access to healthy food, especially if the regulations are overly broad and unintentionally capture inappropriate or unintended structures and activities.

Inver Grove Heights has adopted the Minnesota Building Code, which governs “the construction, reconstruction, alteration, and repair of building and other structures to which the
In addition, Inver Grove Heights has additional municipal ordinances governing structures, distinguishing principle use buildings and/or structures from accessory buildings and/or structures as follows.

**Municipal Definitions**

- **Structure, accessory.** A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.\(^{58}\)

- **Structure, principal.** All structures that are not accessory structures.\(^{59}\)

Inver Grove Heights’ municipal code requires a building permit for all accessory structure greater than 120 square feet in agricultural, estate and residential districts.\(^{60}\) Inver Grove Heights does not require zoning permits.


For more information:

- City specific information may be obtained from the city’s municipal building official
- [Explanation of the Agricultural Building Exemption in the State Building Code](http://www.ci.inver-grove-heights.mn.us/index.aspx?NID=56) by the Minnesota Department of Labor and Industry
- More information on Inver Grove Heights’ regulation of accessory buildings and structures is discussed in Appendix B, below.
GROWING FOOD

Subsections:

1. Gardening
2. Farming
3. Keeping Animals (including Bees, Chickens, and Chicken Coops)
4. Fences
5. Arbor, Trellises, Pergolas, Planting Boxes, and Raised Beds
6. Greenhouses and Hoop Houses
7. Shed

Local governments can encourage local food production by evaluating whether their municipal code supports or burdens activities and structures that are necessary to grow and cultivate food.
Gardening

Gardens increase access to fresh vegetables, provide opportunities for physical activity, teach both adults and children about the origins of their food, and promote healthier eating behaviors. As gardening opportunities increase, advocates must often address legal and policy issues that affect the development and maintenance of gardens in local communities. These issues include access to water, composting efforts, land use planning and zoning considerations, liability issues, and the organizational structure of the gardens.

Municipal Code Definitions

★ **Community garden.** An area of land that is managed and maintained by a group of three (3) or more individuals (either within or outside of an organization) that do not own or dwell upon the land to grow and harvest food crops and/or nonfood ornamental crops such as flowers for personal use, group use, consumption or donation. Community gardens may be divided into separate distinct plots for cultivation respectively by different individuals or different groups of individuals and/or may be farmed collectively by members of the same group and may include common areas maintained and used by group members.61

★ **Personal Garden.** An area of land that is managed and maintained by the owner of the land or by the occupant of the dwelling on the land or by two (2) or fewer individuals who do not own or dwell upon the land to grow and harvest food crops and/or nonfood ornamental crops such as flowers for personal use, consumption or donation.62

★ **Market garden.** Not defined by municipal code as of May 22, 2015.

★ **Truck garden.** Not defined by municipal code as of May 22, 2015.

Does the municipal code require a permit or license?

No. The City does not require a permit or license to operate a community or personal garden.

What are the relevant regulations?

Community and personal gardens are allowed in all zones, including the floodway district,63 in the City of Inver Grove Heights.64

Community gardens may be a principal or accessory use.65 Residents are allowed to use boulevards between the street and their property for the use of plantings and gardens66 but community gardens may not occupy public easements.67

Additionally, in the occurrence of a water shortage, the city may limit the times and hours during which water may be used from the city water system for lawn and gardening sprinkling.68

In residential districts, the sale of garden products is not allowed.69
Farming

Local farms and farmers are part of the local community by providing access to larger quantities of healthy foods. These products may be sold at farm stands on the farm itself, at farmers’ markets, or even through local grocers. Buying fresh fruits and vegetables that are in season, from local farmers, is often more economical than purchasing from a grocery or convenience store because these foods are usually available in large amounts and are perishable, so products are more likely priced to sell.

Municipal Code Definitions

★ Farm. A tract of land that is principally used for agricultural activities.\textsuperscript{70}

★ Structure, accessory. A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.\textsuperscript{71}

★ Agriculture. The use of land for agriculture purposes, which includes, but is not limited to:

A. Land that is tilled, cultivated, plowed, or managed in preparation of the soil for planting, seeding, growing, harvesting, production or marketing of flowers, fruits, vegetables, vegetable truck farming, grapes, field crops, row crops, hay, trees, shrubs, bushes, nursery stock, forage, grains, pasture and grazing;

B. Hydroponics, aquaculture;

C. Land on which livestock, beef or dairy cattle, poultry, bees, pigs, sheep, goats, donkeys, rabbits, poultry products, apiary products, fish, horses, ponies, including the boarding of horses and ponies (pursuant to the table of allowable uses found in section 10-6-1 of this title) and equestrian activities, game birds and waterfowl and deer, on a game farm licensed under Minnesota statutes section 97A.105, are raised, reared, fed, grown, produced, exhibited, marketed (pursuant to the table of allowed uses found in section 10-6-1 of this title), boarded (pursuant to the table of allowed uses found in section 10-6-1 of this title, and the definition of "commercial horse stable" found in this section) and performed;

D. The necessary accessory buildings and structures related to the activities listed in subsections A, B and C of this definition; and

E. Unusable wild land, woodland, wetland and land included in state or federal farm programs.\textsuperscript{72}

Does the municipal code require a permit or license for a farm?

No.
What are the relevant regulations?

Agriculture is a permitted use in the agricultural and the estate-1 districts.  

Inver Grove Heights has established accessory structure standards for accessory buildings; however, accessory structures used exclusively for agricultural purposes are exempt from these standards in the agricultural district and the estate 2 ½ acre (E-1) district. 

Seasonal agricultural products stands are allowed in the agricultural district as a permitted use and in the estate-1 district with a conditional use permit.

Keeping Animals (including Bees, Chickens, and Chicken Coops)

Raising chickens and beekeeping are just two types of activity that allow community members to become more involved in and engaged with the production of their food. Local governments are increasingly allowing for beekeeping and keeping small farm animals for personal use or sale of animal products, such as meat, eggs or honey, within a municipality. Amendments to zoning and animal ordinances allow residents to keep small farm animals and bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

Chicken coops protect chickens and other fowl from the elements and provide a space for the fowl to roam and exercise. Allowing chicken coops through city ordinances, amendments to zoning, and animal ordinances allow residents to keep poultry in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

Municipal Code Definitions

★ Farm animals and permitted nondomestic animals. Cows, sheep, pigs, deer and other members of the order Artiodactyla except the family Hippopotamidae; horses and other members of the family Equidae; all birds in the class Aves; squirrels and other members of the family Scirridae; rabbits and other members of the families Didelphidae and Macropidae; and other animals if the owner can show the animals are not inherently dangerous.

★ Animals. Every nonhuman species of animal, domestic, permitted nondomestic, and inherently dangerous.

★ Chicken. Not defined by municipal code as of May 21, 2015.

★ Rooster. Not defined by municipal code as of May 21, 2015.

★ Bee. Not defined by municipal code as of May 21, 2015.
**Domestic animals.** Dogs, cats, caged birds, fish, rabbits, domestic ferrets, snakes (nonvenomous and nonconstrictor species), gerbils, hamsters, guinea pigs, white rats, and mice, provided the animal’s containment can be accomplished without special modification to an existing structure or the construction of a new structure, either of which requires a building permit from the city.79

**Chicken coop.** Not defined by municipal code as of May 21, 2015.

**Chicken run.** Not defined by municipal code as of May 21, 2015.

**Agriculture.** The use of land for agriculture purposes, which includes, but is not limited to:

A. Land that is tilled, cultivated, plowed, or managed in preparation of the soil for planting, seeding, growing, harvesting, production or marketing of flowers, fruits, vegetables, vegetable truck farming, grapes, field crops, row crops, hay, trees, shrubs, bushes, nursery stock, forage, grains, pasture and grazing;

C. Land on which livestock, beef or dairy cattle, poultry, bees, pigs, sheep, goats, donkeys, rabbits, poultry products, apiary products, fish, horses, ponies, including the boarding of horses and ponies (pursuant to the table of allowable uses found in section 10-6-1 of this title) and equestrian activities, game birds and waterfowl and deer, on a game farm licensed under Minnesota statutes section 97A.105, are raised, reared, fed, grown, produced, exhibited, marketed (pursuant to the table of allowed uses found in section 10-6-1 of this title), boarded (pursuant to the table of allowed uses found in section 10-6-1 of this title, and the definition of "commercial horse stable" found in this section) and performed;

D. The necessary accessory buildings and structures related to the activities listed in subsections A, B and C of this definition . . . “80

**Does the municipal code require a permit or license?**

It depends. Farm and other nondomesticated animals are permitted in the agricultural and the estate-1 districts.81 Inver Grove Heights specifically allows chickens in the Agricultural, the Estate-1, and the Estate-2 district.82

Inver Grove Heights allows up to six (6) hen chickens in the one-family residential districts and the two-family residential district (R-1A, R-1B, R-1C and R-2) pursuant an Urban Chicken Permit.83

Chicken coops are accessory buildings and if the size of the coop exceeds 120 square feet it will require a building permit.84
What are the relevant regulations?

Inver Grove Heights’ municipal code does not address bees or beekeeping specifically other than including bees within the definition of agriculture.\(^{85}\)

Agriculture is a permitted use in the agricultural and the estate-1 districts.\(^{86}\)

The two-year, Urban Chicken Permits allows residence to keep up to six (6) hen chickens.\(^{87}\)

Prior to the permit being issued, neighboring property owners are given an opportunity to file an objection.\(^{88}\) If any objection is filed, the application will be reviewed by the city council prior to approval/disapproval.\(^{89}\)

In conjunction with the Urban Chicken Permit, permitees must contain chickens in coops or runs.\(^{90}\) Only one coop and/or run is allowed per lot.\(^{91}\) Chickens must be provided with a roofed structure.\(^{92}\) Chicken coops and runs must meet specific setback requirements.\(^{93}\)

Chickens may not be slaughtered on residentially zoned or used properties.\(^{94}\)

Inver Grove Heights’ municipal code allows prohibited animals to be kept in all zoning districts if they are kept as part of a 4-H husbandry program or other similarly recognized program and are probably contained.\(^{95}\)

Additional resources

- A [fact sheet](http://www.ci.inver-grove-heights.mn.us/DocumentCenter/View/3715) from the City of Inver Grove Heights about the city’s code requirements and permit application process for keeping chickens, and Inver Grove Heights’s Chicken Permit Application.

Fences

Many municipalities have established fence regulations that govern the height of the fence and the types of materials that may be used in the construction or repair of the fence. Fencing is often an integral component of many agricultural and gardening activities. For example, community gardens often use fences to provide protection from animals, define the garden’s parameters, and minimize vandalism and trespassing on community garden property. Ordinances that allow community gardens to install permanent fencing may encourage gardens, promote community acceptance of local gardening efforts, and improve the long-term success of a community garden.

**Municipal Code Definitions**

*Fence.* Any partition, structure, wall or gate erected as a divider, marker, barrier or enclosure and located along the boundary or within the required yard.\(^{96}\)
★ Screening. A device or materials used to conceal one element of a development from other elements or from adjacent or contiguous development. Screening may include one or a combination of the following materials: walls, berms, plantings. 97

★ Structure. Anything constructed, the uses of which require permanent location on the ground, or attached to something having a permanent location on the ground. 98

**Does the municipal code require a permit or license?**

A Building Permit is required for the construction or physical improvement of fences. 99

Please visit the following link for a copy of the permit application: [http://www.ci.inver-grove-heights.mn.us/DocumentCenter/View/2699](http://www.ci.inver-grove-heights.mn.us/DocumentCenter/View/2699).

**What are the relevant regulations?**

Fences are an accessory use in all zoning districts. 100

Inver Grove Heights has established several municipal provisions that apply to fences in residential zones, including:

- The finished side of all fences shall face away from the fence owner’s lot,
- In front yards, fences shall not exceed 42 inches in height,
- Fences must be maintained so they are not unsightly or a hazard, and
- Barbed wire fences are not permitted only in residential zoning districts. 101

In addition, residential yards and open space requirements may have implication on the location of fences on residential lots. 102

**Additional Resource**

Handout from the city outlining residential fence requirements, including: permit, height, and set backs (available at: [http://www.ci.inver-grove-heights.mn.us/DocumentCenter/View/2699](http://www.ci.inver-grove-heights.mn.us/DocumentCenter/View/2699)).

**Arbors, Trellises, Pergolas, Planting Boxes, and Raised Beds**

Arbors, pergolas, trellises, planting boxes, and raised beds are types of garden structures used to encourage climbing vegetables and flowering vines, as well as used to create clearly defined gardening spaces that are generally easier to cultivate, weed, and maintain for the gardener. Planting boxes and raised beds can be used to develop beds with improved soils when the quality or safety of existing soil is questionable; they can also be used to make garden beds accessible to those in wheelchairs or who are otherwise physically not capable of working at ground level. Raised beds may also be allowed along public right of ways in residential areas, increasing the available area for garden production.
Municipal Code Definitions

★ Arbor. Not defined by municipal code as of May 21, 2015.
★ Pergola. Not defined by municipal code as of May 21, 2015.
★ Trellis. Not defined by municipal code as of May 21, 2015.
★ Planting box. Not defined by municipal code as of May 21, 2015.
★ Raised plant bed. Not defined by municipal code as of May 21, 2015.

Does the municipal code require a permit or license?
No, a permit is not required for these types of structures on private property.

What are the relevant regulations?
In all residential zoning districts, decorative landscape features are considered an accessory use.103

Inver Grove Heights requires written permission for fills that raise existing surface grades, however, when the purpose is for landscaping or gardening, no permission is required as long as certain conditions are met.104

Structures must be maintained so as not to be unsightly or potentially harmful.105

Greenhouses and Hoop Houses

Greenhouses and hoop houses (also called “high tunnels”) are structures that extend the growing season and protect plants from animals and inclement weather. (While hoop houses are generally a type of semi-permanent structure made up of several hoops or bows that are covered in a heavy plastic, some hoop houses may be a principal structure and be built as a permanent building.) These structures can be either an accessory or principal structure, depending on their use or the other uses of the property. If the greenhouse or hoop house is for personal use and is secondary to the main structure, it would likely fall into a category of a type of accessory structure. However, greenhouses and hoop houses that are for retail or commercial purposes could also be the principal structure on a property. Zoning and building regulations that allow for these types of buildings can support both personal gardening efforts as well as promote local business.
enterprises and the local food system by providing sources of plants and extending the growing season.

**Municipal Code Definitions**

- **Greenhouse**: Not defined by municipal code as of May 21, 2015.

- **Greenhouse, commercial**: A retail business where the primary operations are the selling of landscaping and plant materials grown on site either in an enclosed building or outside.\(^{106}\)

- **Hoop house**: Not defined by municipal code as of May 21, 2015.

- **High tunnel**: Not defined by municipal code as of May 21, 2015.

**Does the municipal code require a permit or license?**

Yes, if the size of a greenhouse or hoop house exceeds 120 square feet, it will require a building permit.\(^{107}\) If the greenhouse or hoop house is a commercial enterprise see the city for specific permits or licensing required for these structures.

**What are the relevant regulations?**

Greenhouses are allowed as a conditional use in the Agricultural District\(^{108}\) and a permitted use in the B-3 District.\(^{109}\) In the northwest overlay planned unit development area, commercial greenhouses require an interim use permit regardless of any underlying agricultural district.\(^{110}\)

Hoop house framing and materials typically used to cover hoop house framing is specifically disallowed in residential accessory structures.\(^{111}\)

Hoop houses are allowed in the agricultural and estate districts.\(^{112}\)

When allowed in these districts, the lot must be 2.5 acres or larger, the hoop house must not be larger than 500 square feet, and the minimum setback from property lines is 50 feet.\(^{113}\)

Depending on the type and size of a greenhouse or hoop house, municipal provisions governing accessory structures and building permits may apply. In addition, there may be some restrictions on the location of commercial greenhouses or hoop houses based on different zoning regulations.

Please see Appendix B for more information regarding regulations governing accessory structures. For more information about greenhouse generally or for information about commercial greenhouses, contact the City’s inspection Department at (651) 450-2550.

**Additional Resources**

- University of Minnesota’s Minnesota High Tunnel webpage, [http://hightunnels.cfans.umn.edu/](http://hightunnels.cfans.umn.edu/)
The City of Minneapolis adopted regulations governing hoop houses and greenhouses in March 2012. The City of Minneapolis defined hoop house as “a temporary or permanent structure typically made of, but not limited to, piping or other material covered with translucent material for the purpose of growing food or ornamental crops. A hoop house is considered more temporary than a greenhouse.” For more information about those regulations, visit: http://www.minneapolismn.gov/sustainability/homegrown/WCMS1P-130152.

Shed

Sheds generally fall into a category of a type of accessory structure that is secondary to the primary building on a piece of property. Zoning and building regulations that allow for these types of structures allow gardeners to secure the tools that are necessary in cultivation while also providing the convenience of having tools and storage space on-site. The municipal zoning code should consider the beneficial impact of permanent garden structures, while balancing that with the impact on adjacent residences, businesses and public spaces, as well as ensuring compatibility with existing architecture of the community.

Municipal Code Definitions

★ **Structure, accessory.** A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.115

★ **Shed.** See BUILDING: Any structure, temporary or permanent, used or intended for supporting or sheltering any use or occupancy. A building includes a shed.116

Does the municipal code require a permit or license?

Yes. Inver Grove Heights requires a building permit for structures over 120 square feet.117

What are the relevant regulations?

The municipal code requires any building that is moved within the city to obtain a moving permit.118

The municipal code also includes additional requirements for shed exterior building material that must be met.119

Depending on the type and size of sheds constructed municipal provisions governing accessory structures may apply.

Please see Appendix B for more information regarding regulations governing accessory structures.
PROCESSING FOOD

Food processing is an important part of the food system. Orange juice, bread, smoked and cured meat, cereal bars, and chips are just a few of the examples of the varying types of foods that require processing before reaching a final consumer.

Wholesale food processors are generally governed by Minnesota state law and regulated by the Minnesota Department of Agriculture. The Minnesota Department of Agriculture has issued rules governing a wide range of food processing activities. The Minnesota Department of Agriculture generally incorporates applicable regulations from the U.S. Food and Drug Administration’s regulations into Minnesota’s legal requirements. State law creates the minimum standards regulating food processing facilities in Minnesota. While some local Minnesota municipalities may have limited authority over food processing facilities in their jurisdiction, local authority is limited to those powers delegated to the local government by MDA.

State Law Definitions

★ Food processing plant. [A] commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer. Food processing plant does not include a food establishment as defined in subpart 35.

Municipal Code Definitions

★ Food processor. Not defined by municipal code as of May 27, 2015.

Does the municipal code require a permit or license?

No

What are the relevant regulations?

While Inver Grove Heights does not have any regulations specifically targeting food processing facilities, a food processing facility would likely fall into one of Inver Grove Heights’ zoning districts, such as Inver Grove Heights’ commercial or industrial zoning districts.

Additional Resources

For more information about specific state laws impacting food processors and municipal zoning ordinances, please see:


GETTING FOOD

Subsections:

1. Selling Products of a Farm or Garden
2. Farmers’ Markets
3. Restaurants
4. Mobile Food Manufacturing and Vending Vehicles
5. Transient Merchants
6. Grocery Stores
7. Displaying Signs
8. Parking

Diets high in vegetables, fruits, whole grains, and lean proteins can help a person maintain a healthy weight and avoid chronic diseases such as diabetes, cancer, and heart disease. But for many people, eating a healthier diet is not as simple as choosing to eat healthier foods. Some neighborhoods do not have grocery stores or other food outlets that sell healthy foods and sometimes healthy foods are too expensive for people to buy. In order to eat healthier foods, people need better access to healthy, affordable food.

Minnesota law creates two general categories of businesses where Minnesotans purchase their food - food establishments and food and beverage service establishments. These categories encompass the vast majority of venues involved in providing food to consumers, including retail food sales and prepared food sold to customers to be consumed onsite. Minnesota state law gives authority to regulate different types of food establishments and food and beverage service establishments to the Minnesota Departments of Health and Agriculture, depending on different characteristics established by state law. Minnesota state law and Inver Grove Heights ordinances have created general definitions for food establishments and food and beverage service establishments as follows:

State Law Definitions**

★ Food Establishment. An operation that: (1) stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including a market, grocery store, convenience store, special event food stand, vending machine and vending location, and retail bakery (2) relinquishes possession of food to a consumer directly or indirectly through a delivery service, including the home delivery of grocery orders or restaurant takeout orders, and a delivery service that is provided by common carriers.126

** Please note: State law includes a wide range of legal definitions for different types of food establishments and food and beverage service establishments. The definitions included here are meant to highlight key definitions relevant to this discussion.
★ **Food and Beverage Service Establishment.** A building, structure, enclosure, or any part of a building, structure, or enclosure used as, maintained as, advertised as, or held out to be an operation that prepares, serves, or otherwise provides food or beverages, or both, for human consumption.\(^{127}\)

Municipal Code Definitions

★ **Food Establishment.** Not defined by the municipal code as of October 12, 2015.

★ **Food and Beverage Service Establishment.** Not defined by the municipal code as of October 12, 2015.

For many communities, policies at the local level can help increase access to healthy, affordable food. For example, cities can change zoning and licensing laws to make it easier to establish and operate new grocery stores and farmer’s markets. This section provides a focused look at a range of food establishments and food and beverage service establishments to explore how state law and Inver Grove Heights regulations impact different business models that can be used to increase access to healthy food.

Minnesota law requires that every person who handles food obtain a license and that “all producers, packagers, labelers, handlers, distributors and vendors of food, whether or not subject to licensing … be required to comply with the applicable rules.”\(^{128}\) Specifically, any person that engages in the business of manufacturing, processing, selling, handling, or storing of food must obtain a license, unless Minnesota law specifically exempts that person or activity from the general licensing requirement.

**Additional Resources**

As mentioned, above a few exceptions to the state’s licensing requirement exist. More information about some state exemptions from state licensing requirements is available in Appendix G, below. In addition, the following resources provide additional information about the range of exemptions from licensing requirements for food sales:

- Starting a Food Business in Minnesota (2008), MINNESOTA DEPARTMENT OF AGRICULTURE,  
  [http://www.mda.state.mn.us/~/media/Files/food/business/startingfoodbiz.ashx](http://www.mda.state.mn.us/~/media/Files/food/business/startingfoodbiz.ashx).
- A Guide to Regulations for Local Food Entrepreneurs (2015), MINNESOTA INSTITUTE FOR SUSTAINABLE AGRICULTURE,  

See Table 1: *Oversight of Food System by Minnesota Departments of Health and Agriculture*, provided earlier, for additional information regarding the specific authority the Minnesota Departments of Agriculture and Health have over different types of food establishments and food and beverage service establishments.
**Selling Products of a Farm or Garden**

The Minnesota constitution and state law exempts those selling products from a farm or garden that they have grown from the requirement of obtaining a food license. This exemption does not extend to the sale of processed food or other products created from the garden or farm from licensing requirements. At the same time, local governments can regulate other components of the sale of farm or garden products, such as accessory structures or stands used to sell or display farm or garden products and parking requirements for areas where these products are sold. Local governments can eliminate other regulatory and administrative barriers so that these food sellers can become more accessible to local residents.

**Municipal Code Definitions**

- **Seasonal agricultural products stand.** A temporary use for the purpose of selling seasonal produce and agricultural products.

**Does the municipal code require a permit or license? State?**

While the City of Inver Grove Heights does not specifically exempt a person selling or attempting to sell products of the farm or garden occupied and cultivated by that person, the State of Minnesota has provided these exemptions.

**What are the relevant regulations?**

Seasonal agricultural products stands are allowed in the agricultural district as a permitted use and in the estate-1 districts with a conditional use permit. Retail sales of garden products are not allowed on the site of a community garden.

For seasonal agricultural products stands, off street parking must be provided as on-street parking is not allowed.

**Farmers’ Markets**

Local governments regulate farmers’ markets in different ways. Some local governments use very specific language and regulatory provisions to address the unique attributes of farmers’ markets, while others regulate farmers’ markets in the same way that other types of food establishments or businesses are regulated. Notably, certain laws and regulations may strengthen and encourage the operation of farmers’ markets within a certain community, while others burden or hinder the prosperity of farmers’ markets.

Minnesota state law provides a framework for farmers’ markets by establishing a definition for farmers’ market and exempting some farmers’ market activities from licensing requirements, including the sale of agricultural products sold by the farmer or gardener, food sampling.
provided to farmers’ market customers, and certain products processed in unlicensed kitchens covered under the new Cottage Food Law. However, state regulation of farmers’ markets is fairly limited and local governments are generally more involved in regulating different aspects of farmers’ markets beyond this limited state involvement.

**Minnesota State Legal Definitions**

* Farmers’ market. (State law definition) An association of three or more persons who assemble at a defined location that is open to the public for the purpose of selling directly to the consumer the products of a farm or garden occupied and cultivated by the person selling the product. )

* Food product sampling. (State law definition) Distributing to individuals at a farmers' market or community event, for promotional or educational purposes, small portions of a food item that include as a main ingredient a product sold by the vendor at the farmers' market or community event. For purposes of this subdivision, "small portion” means a portion that is no more than three ounces of food or beverage.

* Food product demonstration. (State law definition) Cooking or preparing food products to distribute to individuals at a farmers' market or community event for promotional or educational purposes.

**Municipal Code Definitions**

* Farmers’ market. Not defined by municipal code as of May 16, 2015

**Does the municipal code require a permit or license?**

Maybe, the city code is silent concerning farmers’ market permits or licensing and as a permitted or conditional use. However, the Saint Paul Farmers’ Market operates in a community center parking lot. However, farmers’ markets on public property are likely a permitted activity requiring a special permit from the city to sell, solicit, or carry on any business or commercial enterprise or service.

**What are the relevant regulations?**

Currently, there are no farmers’ market-specific regulations in the Inver Grove Heights municipal code. The City does exempt farmers selling produce from the lands of the farmer or cultivated by the farmer from requirements to register as a solicitor. However, farmers selling produce from their land must get a certificate of registration.

See Transient Merchant Section for more detail.
Additional Resources

The following resources provide additional information about state law impacting farmers’ markets:


In addition, information about some recent changes to Minnesota state law not included in these resources has been provided in Appendix G, below.

Restaurant

Restaurants are a type of food and beverage service establishment as defined by Minnesota law. These can vary greatly – size, types of food products offered, and affordability. Some local governments use very specific language and regulatory provisions to address the unique attributes of a particular type of restaurant. For example, a municipal code may differentiate between a conventional bricks-and-mortar restaurant and a mobile food truck. Other local governments utilize broad regulatory language and regulate restaurants in a uniform manner. Notably, certain laws and regulations may strengthen and encourage different types of restaurants within a certain community, while others burden or hinder the prosperity of these initiatives. As indicated in Table 1: Oversight of Food System by Minnesota Departments of Health and Agriculture, provided earlier, the Minnesota Department of Health (MDH) generally regulates restaurants in Minnesota. While MDH can delegate some of its licensing and other regulatory authority over restaurants to specific local governments, Inver Grove Heights does not have delegated authority from MDH. However, Inver Grove Heights does regulate various aspects of restaurants, as discussed, below.

Minnesota State Legal Definitions

★ Restaurant. [ ] a food and beverage service establishment, whether the establishment serves alcoholic or nonalcoholic beverages, which operates from a location for more than 21 days annually. Restaurant does not include a food cart or a mobile food unit.\textsuperscript{141}

Municipal Code Definitions

★ Restaurant. A business establishment whose principal business is the selling of unpackaged food to the customer in a ready to consume state, in individual servings, or
in nondisposable containers, and where the customers consume these foods while seated at tables or counters located within the building.142

★ **Restaurant, fast food.** An establishment that offers quick food service of items already prepared, prepackaged or quickly served. Orders are not generally taken at the customer’s table but at an order/pick up counter or at a drive-through window. Food may be consumed on site or carried out.143

**Does the municipal code require a permit or license to operate?**

No, the City does not require a license for restaurants.144

**What are the relevant regulations?**

Inver Grove Heights has established several sets of code provisions that apply to different food establishments, including:

- Parking space requirements,145
- Drive-throughs.146

Currently, only certain zoning districts permit food establishments:

\[
P = \text{Permitted use} \quad C = \text{Conditionally permitted use} \quad A = \text{Accessory use}^{147}
\]

<table>
<thead>
<tr>
<th>Use</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
<th>B-4</th>
<th>OP</th>
<th>I-1</th>
<th>IOP</th>
<th>I-2</th>
<th>P</th>
<th>MU-PUD</th>
<th>COMM-PUD</th>
<th>OFFICE-PUD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurant:</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Fast food (see section 10-15-25 of this title)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

See entire Article E of Title 10 for additional provisions that may be applicable to restaurant signs.
Mobile, Temporary, and Seasonal Food and Beverage Service Establishments

State and local laws often have different requirements for mobile, temporary, and seasonal food and beverage establishments. Local governments can support healthy food access by tailoring regulations governing different types of mobile, temporary, and seasonal food and beverage service establishments serving healthy food options. Many communities find that one-size-fits-all regulatory structure for food and beverage service establishment may not meet the needs of different types of business models and can sometimes prove to be burdensome for new and emerging businesses seeking to provide fresh, local foods.

Minnesota State Legal Definitions††

★ Mobile food unit means a food and beverage service establishment that is a vehicle mounted unit, either:

(1) motorized or trailered, operating no more than 21 days annually at any one place, or operating more than 21 days annually at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; or

(2) operated in conjunction with a permanent business licensed under this chapter or chapter 28A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location.148

★ Food cart means a food and beverage service establishment that is a nonmotorized vehicle self-propelled by the operator.149

★ Seasonal permanent food stand means a food and beverage service establishment which is a permanent food service stand or building, but which operates no more than 21 days annually.150

★ Seasonal temporary food stand. (a) "Seasonal temporary food stand" means a food and beverage service establishment that is a food stand which is disassembled and moved from location to location, but which operates for no more than 21 days annually at any one location, except as provided in paragraph (b).

(b) A seasonal temporary food stand may operate for more than 21 days annually at any one place with the approval of the regulatory authority, as defined in Minnesota Rules, part 4626.0020, subpart 70, that has jurisdiction over the seasonal temporary food stand.151

†† Please note: State law includes a wide range of legal definitions for different types of mobile, seasonal, and temporary food and beverage service establishments. The definitions included here are meant to highlight those key definitions related to food and beverage service establishments more likely to promote healthy food options.
**Special event food stand.** "Special event food stand" means a food and beverage service establishment which is used in conjunction with celebrations and special events, and which operates no more than three times annually for no more than ten total days.¹⁵²

Municipal Code Definitions

**Food cart.** Not defined by municipal code as of May 26, 2015

**Food stand.** Not defined by municipal code as of May 26, 2015

**Mobile food unit.** Not defined by municipal code as of May 26, 2015

**Food truck.** Not defined by municipal code as of May 26, 2015

Does the municipal code require a permit or license?

The City does not require a license to sell food products from a food cart, mobile food unit, or food stand.

The City may require a permit to construct, reconstruct, repair, or alter one of these structures, specifically if the structure is accessory to a principal use. Please see Appendix B for more information about accessory structures.

See “Transient Merchant” section for additional information on City requirements for these types of vendors.

What are the relevant regulations?

Inver Grove Heights has not established regulations specific to food trucks and other mobile, temporary and seasonal food and beverage establishments in the city.

Inver Grove Heights has established parking restrictions for vehicles bearing a commercial license in residential districts.¹⁵³ These restrictions may impact where a mobile food unit can legally park on the street and off the street.

Additional Resources

The state may require a license to sell food from one of these food and beverage service establishments and have other legal requirements. The following resources provide additional information regarding state legal requirements:

- Starting a Food Business in Minnesota (2008), MINNESOTA DEPARTMENT OF AGRICULTURE, [http://www.mda.state.mn.us/~/media/Files/food/business/startingfoodbiz.ashx](http://www.mda.state.mn.us/~/media/Files/food/business/startingfoodbiz.ashx).

Transient Merchant

Anyone who engages in a temporary or transient business within Dakota County is required to obtain a Transient Merchant License. Many businesses may fall into this broad category, including different types of food establishments, food and beverage service establishments, and other vendors.

Minnesota State Legal Definitions††

★ **Transient merchant.** The term "transient merchant" includes any person, individual, copartnership, limited liability company, and corporation, both as principal and agent, who engage in, do, or transact any temporary and transient business in this state, either in one locality, or in traveling from place to place in this state, selling goods, wares, and merchandise; and who, for the purpose of carrying on such business, hire, lease, occupy, or use a building, structure, vacant lot, or railroad car for the exhibition and sale of such goods, wares, and merchandise. The term "transient merchant" does not include a seller or exhibitor in a firearms collector show involving two or more sellers or exhibitors.\(^{154}\)

Municipal Code Definitions

★ **Transient merchant.** Not defined by municipal code as of May 28, 2015.

★ **Peddler.** A person who goes from house to house, door to door, business to business, street to street, or any other type of place to place, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personal property, that the person is carrying or otherwise transporting. The term "peddler" also includes the term "hawker".

★ **Solicitor.** A person who goes from house to house, door to door, business to business, street to street, or any other type of place to place, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services, of which a person may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time.

The absence of samples or catalogs does not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as stated above. The term "solicitor" also includes the term "canvasser".\(^{155}\)

†† Please note: State law includes a wide range of legal definitions for different types of mobile, seasonal, and temporary food and beverage service establishments. The definitions included here are meant to highlight those key definitions related to food and beverage service establishments more likely to promote healthy food options.
Does the municipal code require a permit or license?

Yes, the municipal code makes it unlawful to conduct business as either a peddler without first having obtained a permit from the city.\textsuperscript{156} In addition, solicitors must obtain a certificate of registration.\textsuperscript{157}

Farmers may sell their own produce if they have obtained a registration as a solicitor rather than being required to be licensed as a peddler.\textsuperscript{158}

What are the relevant regulations?

Inver Grove Heights has established a licensing scheme that regulates peddlers and solicitors, including:

- Permissible hours of operation, 8 a.m. – 9 p.m.
- Noise restrictions; and
- Restriction from selling or attempting to sell in a way that would obstruct the flow of vehicular or pedestrian on any street, alley, sidewalk, or other right of way.\textsuperscript{159}

In addition, those selling farm produce must provide information concerning the location the produce was cultivated and certification that the farmer selling the product also produced the same.\textsuperscript{160}

Grocery Store

Grocery stores must comply with the Minnesota state food safety requirements established in Minnesota law and other legal requirements governing food establishments and food and beverage service establishments if the grocery store serves prepared food.\textsuperscript{161} As indicated in \textit{Table 1: Oversight of Food System by Minnesota Departments of Health and Agriculture}, provided earlier, the Minnesota Departments of Health and Agriculture may share regulatory authority over different aspects of a grocery store, depending on what activities the grocery store includes. For example, MDH could have regulatory authority over a restaurant service provided in a grocery store while MDA would have regulatory authority over the retail grocery operations.

Local governments can be instrumental in promoting access to healthy foods through grocery stores. For example, some localities have used zoning ordinances or variances to encourage developers, grocers, and other property owners to locate grocery stores in underserved areas known as “food deserts.”
Minnesota State Legal Definitions

★ Food establishment

A. “Food Establishment” means an operation that:

(1) stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including a restaurant, satellite or catered feeding location, market, grocery store, convenience store, special event food stand, school, boarding establishment, vending machine and vending location, institution, and retail bakery; or

(2) relinquishes possession of food to a consumer directly or indirectly through a delivery service, including the home delivery of grocery orders or restaurant takeout orders, and a delivery service that is provided by common carriers.

Municipal Code Definitions

★ Grocery store. Not defined by municipal code as of May 26, 2015

Does the municipal code require a permit or license?

No, the City does not require a license for grocery stores or businesses generally.

What are the relevant regulations?

Three zone districts permit grocery stores. The Neighborhood Business District, the General Business District, and the Shopping Center District.

Additional Resources

The following resources provide additional information regarding state legal requirements impacting grocery stores:

- Starting a Food Business in Minnesota (2008), MINNESOTA DEPARTMENT OF AGRICULTURE, [http://www.mda.state.mn.us/~media/Files/food/business/startingfoodbiz.ashx](http://www.mda.state.mn.us/~media/Files/food/business/startingfoodbiz.ashx).

---

§§ Please note: State law includes a wide range of legal definitions for different types of food establishments governed by the Minnesota Food Code, including grocery stores. The definitions included here are meant to highlight those key definitions related to food and beverage service establishments more likely to promote healthy food options. As indicated by this definition, a grocery store is included in the definition of a “food establishment” governed by the Minnesota Food Code. However, a grocery store is not recognized as a type of “food and beverage service establishment” even though a restaurant within a grocery store may fall within the definition of a “food and beverage service establishment”, discussed earlier.
Displaying Signs

Many food establishments and vendors – big and small – rely on signage to advertise and communicate with the public. Signage is generally regulated by the city, and can include restrictions on where signs are allowed on certain property. These sign regulations can prove to be overly burdensome to small or alternative food retailers.

Municipal Code Definitions

★ Sign. Any letters, figures, design, symbol, trademark, architectural or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever and painted, printed, or constructed and displayed in any manner whatsoever for recognized advertising purposes. The term includes lettering on awnings and canopies. For purposes of this title, a flag constitutes a sign, but not including an emblem or insignia of a government, school or religious group when displayed for official purposes.

Billboard: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity not exclusively related to the premises where such sign is located.

Building Sign: A sign attached to the outside of a building wall, roof, canopy or awning and related to an activity conducted, or service rendered, or a commodity sold at the location where the sign is located.

Business Sign: A sign that directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered on the premises on which such sign is located.

Flashing Sign: An illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times the sign is in use.

Freestanding Sign: A sign supported by one or more upright poles, columns, or braces, placed in or on the ground and not attached to any building or structure and related to an activity conducted, or service rendered, or a commodity sold at the location where the sign is located.

General Advertising Sign: In the Mississippi River critical area overlay district, means those signs that direct attention to a product, service, business or entertainment not exclusively related to the premises where such sign is located.

Lighted Or Illuminated Sign: A sign from which artificial light is directed.
Nameplate Sign: A sign that states only the name or address, or both, of the business or occupant of the lot where such sign is placed.

Projecting Sign: A sign that projects from the wall of a face of a building or structure, including an awning, canopy, or marquee, and related to an activity conducted, or service rendered, or a commodity sold at the location where the sign is located.

Static Sign: A sign where the face remains unchanged and all components of the sign are unmoving. All illumination is maintained stationary and constant in intensity, color and brightness.

Temporary Portable Sign: A "business sign", as defined herein, that consists of or is located on any of the following:

A. A movable reader board sign.

B. A port-a-sign.

C. Any such business sign on a nonpermanent movable stand where the surface area of the sign is greater than eighteen (18) square feet.

D. Any such business sign on a movable platform or flatbed trailer, with or without wheels.\textsuperscript{165}

Does the municipal code require a license or permit?

Yes, a permit is required for commercial signage.\textsuperscript{166}

A copy of the 2015 sign permit application is available online, here: http://www.ci.inver-grove-heights.mn.us/documentcenter/view/2700.

What are the relevant regulations?\textsuperscript{***}

The City has established numerous restrictions on signage, including:

- Temporary portable signs require a permit;\textsuperscript{167}
- Off-site directional signs for allowed seasonal agricultural products stands and one business side is allowed;\textsuperscript{168} and

\textsuperscript{***} In 2015, the United States Supreme Court held, in Reed v. Town of Gilbert, 135 S.Ct. 2218 (2015), that the Town of Gilbert, Arizona’s comprehensive sign code that exempted 23 categories of temporary signs resulted in constitutionally prohibited content-based restrictions that favor some temporary signs over other types of temporary signs. Analyzing this case is outside of the scope of this review, however, this case may have relevance to local sign regulations within Dakota County and local municipalities.
• It is unlawful for a person to maintain a sign or advertisement on public property without obtaining a written permit from the council.\textsuperscript{169}

Additionally, the restrictions may vary depending on zoning district.\textsuperscript{170}

**Parked**

Many local governments require certain businesses to comply with parking requirements. By establishing parking requirements, the local government can ensure there is handicap accessibility, ensure access to emergency vehicles, and address traffic and overcrowding concerns. At the same time, parking requirements for small and unconventional businesses can be burdensome.

The municipal code should consider the beneficial impact of parking requirements, while balancing that with the impact on small or unconventional establishments, such as farmers’ markets.

**Municipal Code Definitions**

\begin{itemize}
  \item **Park or parking.** The standing of a vehicle, whether occupied or not, upon a street, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers or loading or unloading merchandise, or in obedience to traffic regulations, signs or signals, or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.\textsuperscript{171}
  \item **Parking space.** A suitably surfaced and permanently maintained area on privately owned property, either within or outside of a building, of sufficient size to store one standard automobile.\textsuperscript{172}
\end{itemize}

Does the municipal code require a license or permit?

No.

What are the relevant regulations?

Inver Grove Heights does not allow the sale of goods from public right of ways.\textsuperscript{173}

Inver Grove Heights has set minimum parking requirements for certain establishments, including convenience stores, fast food establishments, restaurants, wholesale, and retail stores.\textsuperscript{174}

Drive-through establishments have specific requirements that includes adequate parking and space for vehicle movement.\textsuperscript{175}

Please visit the applicable zoning regulations for additional considerations.\textsuperscript{176}
MAKING FOOD

For new and growing food businesses making food for either retail food operations or for sales of prepared foods to serve to consumers, access to a licensed or commercial kitchen can be invaluable. Some local governments may have policies in place to allow community groups or others to use licensed kitchens in community facilities to promote food skills and other activities increasing access to healthy food. These policies can support efforts to teach community members how to cook and provide new and emerging food businesses with space to develop their business without having to make an initial investment in a commercial kitchen.

Under state law, kitchens used to prepare food for public consumption, including catering operations, meal service programs, school kitchens, and other food preparation sights are recognized as “food establishments” and must comply with state laws, including licensing and food safety requirements. Minnesota state law does create limited exceptions from the state licensing requirements for some types of food prepared in kitchens that have not been licensed or inspected. A discussion of these exemptions is outside the scope of this document. However, resources providing additional information about these exemptions are provided, below.

**Municipal Code Definitions**

*Kitchen.* Not defined by municipal code as of May 26, 2015.

**Does the municipal code require a permit or a license?**

The City does not require a permit or license to use a kitchen. Depending on several factors, the state may require a permit or license to use a kitchen. These factors include: whether the kitchen is commercial in nature; what type of food is being prepared; whether the food will be sold or served to the public, etc. Please consult with MDA and/or MDH for more information.

**What are the relevant regulations?**

No municipal regulations are directly on point. If a food license is required to operate the kitchen, the Minnesota Food Code will govern the use of the kitchen.
Additional Resources

For more information about state laws impacting kitchens used to prepare food for sale or other regulated purposes, including licensing and inspection requirements, please see the following resources:

- Starting a Food Business in Minnesota (2008), MINNESOTA DEPARTMENT OF AGRICULTURE, [http://www.mda.state.mn.us/~media/Files/food/business/startingfoodbiz.ashx](http://www.mda.state.mn.us/~media/Files/food/business/startingfoodbiz.ashx).

In addition, information about some recent changes to Minnesota state law allowing for some exemptions from state licensing requirements under the 2015 Cottage Food Law not included in these resources is provided in Appendix G.
DISPOSING FOOD

Subsections:

1. Composting
2. Recycling and Waste Disposal

Composting and recycling are both components of the local food system. Local governments can help reduce the amount of waste reaching landfills by removing barriers to composting and recycling. Additionally, local governments can encourage composting and recycling by maintaining composting and recycling centers and by providing areas throughout the community to compost or recycle. Local governments can also support local gardening efforts by providing free or reduced cost compost.

Composting

Composting provides an organic source of nutrients for garden soil, and makes great use of leaf litter, grass clippings, plant debris, certain food scraps, and other decomposed organic matter. Composting programs are used to reduce waste and create a resource of organic matter for farmers and gardeners. Both municipal and state laws may impact composting activities, depending on the type of composting activity. Composting can be an activity limited to an individual household, also known as backyard composting. However, composting can also involve a larger waste stream if a larger commercial facility or business composts waste for its individual business or industrial activities or consolidates compost from other businesses or facilities. Laws governing composting activities, at both the state and municipal level, generally depend on the type of composting activity – whether the composting is for an individual household or a larger facility.

Minnesota state law does not regulate permits or licenses for “backyard composting”. However, Minnesota state law does require a permit for facility composting (or commercial composting). Therefore, a distinction must be made between “backyard compost” and “facility compost.”

Compost generated by individual households, apartment buildings, or businesses would generally fall under the “Backyard composting” umbrella and are regulated largely by the City. All other categories are most like to be considered “compost facilities” and are more heavily regulated by the Minnesota Pollution Control Agency. Regulations of compost regulated by the state may include:

- Odors
- Design requirements
- Discharge and surface water drainage runoff
Operation requirements (i.e., staff training) \(^\text{178}\)

**Minnesota State Law Definitions:**

- **Backyard compost site.** (State Definition) A site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings from a single family or household, apartment building, or a single commercial office, a member of which is the owner, occupant, or lessee of the property. \(^\text{179}\)

- **Compost facility.** (State Definition) A site used to compost or cocompost solid waste, including all structures or processing equipment used to control drainage, collect and treat leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the composting process. \(^\text{180}\)

- **Composting.** (State Definition) The controlled microbial degradation of organic waste to yield a humus like product. \(^\text{181}\)

- **Operator.** (State Definition) The person or persons responsible for the operation of a facility. \(^\text{182}\)

- **Owner or facility owner.** (State Definition) The person or persons who own a facility or part of a facility. \(^\text{183}\)

**Municipal Code Definitions:**

- **Composting.** The controlled microbial degradation of yard wastes to yield a humus like soil product. \(^\text{184}\)

- **Yard wastes.** The garden wastes, leaves, lawn cuttings, weeds and prunings generated at residential or commercial properties. \(^\text{185}\)

- **Garbage.** Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food. \(^\text{186}\)

- **Kitchen waste.** Not defined by municipal code as of May 28, 2015.

**Does the municipal code require a permit or license?**

No.

**What are the relevant regulations?**

Private composting of yard waste in Inver Grove Heights is allowed. \(^\text{187}\)

Requirements include screening for compost piles and maintenance of composting materials. \(^\text{188}\)
Additional Resources

Instructions for commercial/facility composting: The Minnesota Pollution Control Agency (MPCA) Yard Waste Compost Permit Program requires applicants (facility owners and operators) to:

1) Complete and submit the permit-by rule (PBR) permit application form below.

2) Operate in compliance with the yard waste rules in Minn. Rules 7035.2836.

3) Complete and submit an annual report below.

Recycling and Waste Disposal

The food system extends beyond the consumption of food and includes the disposal of food packaging and other non-compostable materials. Many materials can be used or reused through recycling, such as paper, glass, and plastic. Local governments often address garbage disposal and recycling via their municipal codes. By making recycling an easier option, local governments can encourage residents to recycle and reduce waste throughout the city.

Municipal Code Definitions

★ **Garbage.** Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food. 189

★ **Refuse.** Putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, and market and industrial solid wastes. 190

★ **Recyclable material.** Materials that are separated from mixed municipal solid waste by the generator or during collection for the purpose of recycling, including paper, glass, metals, automobile oil and batteries. 191

★ **Yard wastes.** The garden wastes, leaves, lawn cuttings, weeds and prunings generated at residential or commercial properties. 192

★ **Residential unit.** Means, jointly and severally, the following:

   A. Single-family residential dwellings, including manufactured homes, townhomes, and boathomes.

   B. Multiple-family residential dwellings of four (4) or less units. 193
★ Multi-family units. Dwellings of five (5) or more units. 194

★ Targeted Recyclables. Newsprint, aluminum cans, bimetal cans, tin cans, glass bottles and jars, magazines, telephone books, and other material as may be defined by city council resolution. 195

Does the municipal code require a permit or license?

A permit or license is not required to dispose of garbage or to recycle at one’s residence or business property. 196

A license is required to haul garbage, refuse, recyclables, yard waste or food waste. 197

What are the relevant regulations?

The City has established several requirements regarding waste management in the city, including:

- Every household in residential and multi-dwelling districts and all commercial establishments shall have garbage and refuse collection.
- It is unlawful for any person to store garbage or refuse on residential dwelling premises for more than fourteen (14) days. 198
# Appendix A: Search Terms

<table>
<thead>
<tr>
<th>Fence</th>
<th>Market garden</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arbor</td>
<td>Garden</td>
</tr>
<tr>
<td>Trellis</td>
<td>Farmers’ market</td>
</tr>
<tr>
<td>Pergola</td>
<td>Grocery store</td>
</tr>
<tr>
<td>Plant bed</td>
<td>Restaurant</td>
</tr>
<tr>
<td>Greenhouse</td>
<td>Fast food</td>
</tr>
<tr>
<td>Hoop house</td>
<td>Food truck</td>
</tr>
<tr>
<td>High tunnel</td>
<td>Mobile food unit</td>
</tr>
<tr>
<td>Farm animal</td>
<td>Compost</td>
</tr>
<tr>
<td>Domestic animal</td>
<td>Recycling</td>
</tr>
<tr>
<td>Chicken</td>
<td>Sign</td>
</tr>
<tr>
<td>Bee</td>
<td>Parking</td>
</tr>
<tr>
<td>Chicken coop</td>
<td>Kitchen</td>
</tr>
<tr>
<td>Shed</td>
<td>Pantry</td>
</tr>
<tr>
<td>Community garden</td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX B: REGULATIONS GOVERNING ACCESSORY BUILDING, STRUCTURES, AND USES

Those interested in constructing an accessory building or structure should be aware that the City has established some height and set back requirements. Further, the City prohibits what type of accessory structure can be located in a front yard in certain districts.199

Additionally, the City has set special requirements for accessory buildings, structures, and uses that exceed 120 square feet in size, including: a requirement that the finish materials must be similar and compatible to those utilized on the principal structure200 and foundation requirements for structures in excess of 1,000 square feet.201

Municipal Code of Ordinances:

Title 10, Chapter 15 – Zoning Regulations, Performance Standards

Section 10-15-18: Accessory Structures:

A. Each detached accessory structure to single-family residential uses in all E-2, R-1 and R-2 zoning districts shall not exceed a total maximum gross floor area of one thousand (1,000) square feet. The gross floor area figure may exclude any usable attic space or loft space. The total number of all detached accessory structures on lots in the E-2, R-1 and R-2 zoning districts shall be limited to one. (Ord. 1209, 4-26-2010)

B. On lots of five (5) acres or more in size, which are located in an A or E-1 zoning district, detached accessory structures to single-family residential uses shall not exceed a gross floor area of two thousand four hundred (2,400) square feet. The gross floor area figure may exclude any usable attic space or loft space. The total number of all detached accessory structures on lots of five (5) acres or more in size in the A or E-1 zoning district shall be limited to two (2).

C. On lots of 2.5 acres or more, but less than five (5) acres in size, which are located in an A or E-1 zoning district, detached accessory structures to single-family residential uses shall not exceed a gross floor area of one thousand six hundred (1,600) square feet. The gross floor area figure may exclude any usable attic space or loft space. The total number of all detached accessory structures on lots of 2.5 acres or more, but less than five (5) acres in size in the A or E-1 zoning district, shall be limited to one.

D. On lots of less than 2.5 acres in size, which are located in an A or E-1 zoning district, detached accessory structures to single-family residential uses shall not exceed a gross floor area of one thousand (1,000) square feet. The gross floor area figure may exclude any usable attic space or loft space. The total number of all detached accessory structures on lots of less than 2.5 acres in size in the A or E-1 zoning district shall be limited to one.
E. In all residential zoning districts (R, E and A) there shall be a minimum space of six feet (6') between the principal and accessory structure unless attached, and a minimum space of six feet (6') between all other accessory structures.

F. Detached accessory structures in the A and E-1 zoning districts that exceed a gross floor area of one thousand (1,000) square feet must maintain a fifty foot (50') minimum setback from all property lines.

G. In no zoning district may an accessory structure be constructed on a lot prior to the construction of the lot's principal structure.

H. Exceptions to the requirements contained in this section relating to accessory structures are as follows:

   1. Accessory structures to single-family residential uses in all A, E and R zoning districts with gross floor areas of one hundred twenty (120) square feet or less;

   2. Accessory structures to principal agricultural uses (i.e., farms, ranches, stables, greenhouses, nurseries, and uses deemed similar by the city council) in the A and E-1 zoning districts.

Section 10-15-17: Exterior Building Materials:

A. Commercial, Industrial And Institutional Buildings: All exterior vertical surfaces of any principal or accessory structure in a B, I or P zoning district shall have an equally attractive or the same fascia as the front. At least fifty percent (50%) of the exterior vertical surface shall consist of one or a combination of the following or similar materials: brick veneer; sculptured, textured or concrete block or panels; natural wood siding; steel, aluminum or vinyl lap siding; natural stone or glass. A maximum of one-third (1/3) of a building wall is permitted to have sheet or corrugated steel or aluminum finish.

. . .

C. Residential Accessory Structures:

   1. Completion Period: All exterior surfaces of a residential accessory structure must be completed within one year of beginning construction. A six (6) month extension may be granted if a written request is submitted to the city planner ten (10) working days prior to the termination of the one year time limit.

   2. Allowed Materials: Exterior walls of all accessory structures in all residential zoning districts (R, A and E districts) must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass, composite plastic or other comparable material as approved by the city planner. Provided, however, sheet metal, corrugated metal or shaped metal material may also be used to cover exterior walls of accessory structures under one hundred twenty (120) square feet in all residential zoning districts (R, A and E districts).
3. Prohibited Materials: Cloth, fabric, canvas, plastic sheets, tarps, tarpaper and insulation shall be prohibited as final covers for exterior walls and roofs for all accessory structures in all residential zoning districts (R, A and E districts). In all residential zoning districts (R, A and E districts), the placement or use of framing for hoop houses or other hoop designed apparatus, tent garages and other similar apparatus is prohibited, whether it is an accessory structure or an apparatus as described in subsection C5 of this section.

4. Conditional Use Permit: Except for structures under one hundred twenty (120) square feet, sheet metal, corrugated metal or shaped metal material used to cover exterior walls shall be prohibited on all residential detached accessory structures, unless a conditional use permit is approved for its use by the city council. A conditional use permit may only be issued by the city council for sheet metal, corrugated metal or shaped metal material siding for lots in the A or E-1 zoning districts, and only if the sheet metal, corrugated metal or shaped metal material siding has a thickness of at least 29-gauge, and comes with a manufacturer’s warranty of at least twenty (20) years.

5. Apparatus: All limitations, restrictions, regulations, prohibitions and standards set forth in this subsection C relating to accessory structures shall also apply to the following:

   - Nonpermanent or movable apparatus or units, not permanently affixed to the ground, consisting of a frame that is to be used for or intended to be used for storage or other use. These include apparatus commonly known as hoop houses or other hoop designed apparatus, tent garages and other similar apparatus.

   The framing for hoop houses or other hoop designed apparatus, tent garages and other similar apparatus is prohibited, whether it is an accessory structure or an apparatus as described in this subsection C5.

6. Exceptions: The following are excluded from the requirements of this subsection C:

   a. Playground equipment.

   b. Camping tents and special event tents which are in place for less than five (5) days.

   c. Commercial greenhouses.

   d. Accessory structures to principal agricultural uses (i.e., farms, ranches, stables, greenhouses, nurseries, and uses deemed similar by the city council) in the A and E-1 zoning districts.

   e. Accessory structures used as carports and nonpermanent or movable apparatus or units used as carports.
f. Hoop houses and other hoop designed apparatus, whether as accessory structures and nonpermanent or movable apparatus may be placed and used and may be covered with plastic sheets if they meet the following:

(1) Located on lots greater than or equal to 2.5 acres in the A and E zoning districts;

(2) Maximum size of five hundred (500) square feet; and

(3) Minimum setback of fifty feet (50') from all property lines. (Ord. 1196, 10-12-2009)

Sec. 10-15-15. – Foundation Requirements:

In all zoning districts, structures in excess of one thousand (1,000) square feet of gross floor area shall be constructed with a full continuous structural load bearing perimeter foundation. Exceptions to this requirement are pole buildings and accessory structures to principal agricultural uses (i.e., farms, ranches, stables, greenhouses, nurseries, and uses deemed similar by the city council) in the A and E-1 zoning districts. (Ord. 1098, 11-8-2004)

Sec. 10-15-8. – Maintenance:

In all districts, all structures, required landscaping, and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions. (Ord. 1098, 11-8-2004)

Title 10, Chapter 5 – Zoning Regulations, General Zoning Provisions

Section 10-5-1: Accessory Buildings:

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. For additional regulations concerning accessory buildings, see subsections 10-7-2B, 10-8A-2B, 10-8B-2B, 10-9A-2B and 10-9B-2B and section 10-15-18 of this title. (Ord. 1098, 11-8-2004)

Section 10-5-2: Required Yard and Open Space:

A. No yard or other open space shall be reduced in area or dimension so as to make such yard or other open space less than the minimum required by this title, and if the existing yard or other open space, as existing, is less than the minimum required, it shall not be further reduced, except that in R districts, a garage may be added if none previously existed.

B. No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

C. The following shall not be considered to be encroachments on yard requirements:
1. In rear yards only: balconies, eaves, bay windows, cantilevered architectural elements, chimneys, uncovered entry landings, uncovered decks, breezeways, detached outdoor picnic shelters, recreational equipment, and detached or attached accessory structures. In no instance shall any of the above be closer than eight feet (8') from the rear lot line.

2. In side yards only: eaves, bay windows, chimneys, uncovered entry landings or decks, and detached or attached accessory structures. In no instance shall any of the above be closer than five feet (5') from any side lot line.

3. In front yards only: eaves, bay windows, chimneys, uncovered entry landings, uncovered decks, and uncovered handicapped access ramps, except that no such structural element shall be closer than twenty four feet (24') from the front lot line.

4. In riparian yards only: balconies, eaves, bay windows, cantilevered architectural elements, chimneys, uncovered entry landings, breezeways, and recreational equipment that impacts less than one hundred twenty (120) square feet of ground area. (Ord. 1098, 11-8-2004)

D. In the residential, estate, and agricultural districts, the following may not be placed, constructed, or located within five feet (5') of the side lot line or rear lot line: any bituminous pavement, concrete pavement, or paving blocks. Notwithstanding anything to the contrary, this prohibition shall not apply to shared driveways located along or within lot lines approved by the city. (Ord. 1224, 11-22-2010)
APPENDIX C: REGULATIONS GOVERNING THE EXTERIOR OF STRUCTURES AND BUILDINGS

The City of Inver Grove Heights has established specific regulations governing exterior work that is authorized by a building permit. The most noteworthy requirements is that the exterior work of buildings must be completed within a specified time period. The City has also established regulations concerning permissible materials.

Municipal Code of Ordinances:

Title 10, Chapter 15 – Zoning Regulations, Performance Standards:

Section 10-15-17: Exterior Building Materials:

A. Commercial, Industrial And Institutional Buildings: All exterior vertical surfaces of any principal or accessory structure in a B, I or P zoning district shall have an equally attractive or the same fascia as the front. At least fifty percent (50%) of the exterior vertical surface shall consist of one or a combination of the following or similar materials: brick veneer; sculptured, textured or concrete block or panels; natural wood siding; steel, aluminum or vinyl lap siding; natural stone or glass. A maximum of one-third (1/3) of a building wall is permitted to have sheet or corrugated steel or aluminum finish.

B. Residential Principal Structures:

1. All exterior surfaces of a residential principal structure must be completed within one year of the issuance of a building permit. A six (6) month extension may be granted if a written request is submitted to the city planner ten (10) working days prior to the termination of the one year time limit.

2. Exterior walls of all principal structures in all residential zoning districts (R, A, and E districts) must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass, composite plastic or other comparable material as approved by the city planner.
3. Cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal shall be prohibited as final covers for exterior walls and roofs for all principal structures in all residential zoning districts (R, A and E districts).

C. Residential Accessory Structures:

1. Completion Period: All exterior surfaces of a residential accessory structure must be completed within one year of beginning construction. A six (6) month extension may be granted if a written request is submitted to the city planner ten (10) working days prior to the termination of the one year time limit.

2. Allowed Materials: Exterior walls of all accessory structures in all residential zoning districts (R, A and E districts) must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass, composite plastic or other comparable material as approved by the city planner. Provided, however, sheet metal, corrugated metal or shaped metal material may also be used to cover exterior walls of accessory structures under one hundred twenty (120) square feet in all residential zoning districts (R, A and E districts).

3. Prohibited Materials: Cloth, fabric, canvas, plastic sheets, tarps, tarpaper and insulation shall be prohibited as final covers for exterior walls and roofs for all accessory structures in all residential zoning districts (R, A and E districts). In all residential zoning districts (R, A and E districts), the placement or use of framing for hoop houses or other hoop designed apparatus, tent garages and other similar apparatus is prohibited, whether it is an accessory structure or an apparatus as described in subsection C5 of this section.

4. Conditional Use Permit: Except for structures under one hundred twenty (120) square feet, sheet metal, corrugated metal or shaped metal material used to cover exterior walls shall be prohibited on all residential detached accessory structures, unless a conditional use permit is approved for its use by the city council. A conditional use permit may only be issued by the city council for sheet metal, corrugated metal or shaped metal material siding for lots in the A or E-1 zoning districts, and only if the sheet metal, corrugated metal or shaped metal material siding has a thickness of at least 29-gauge, and comes with a manufacturer's warranty of at least twenty (20) years.
5. Apparatus: All limitations, restrictions, regulations, prohibitions and standards set forth in this subsection C relating to accessory structures shall also apply to the following:

Nonpermanent or movable apparatus or units, not permanently affixed to the ground, consisting of a frame that is to be used for or intended to be used for storage or other use. These include apparatus commonly known as hoop houses or other hoop designed apparatus, tent garages and other similar apparatus.

The framing for hoop houses or other hoop designed apparatus, tent garages and other similar apparatus is prohibited, whether it is an accessory structure or an apparatus as described in this subsection C5.

6. Exceptions: The following are excluded from the requirements of this subsection C:

a. Playground equipment.

b. Camping tents and special event tents which are in place for less than five (5) days.

c. Commercial greenhouses.

d. Accessory structures to principal agricultural uses (i.e., farms, ranches, stables, greenhouses, nurseries, and uses deemed similar by the city council) in the A and E-1 zoning districts.

e. Accessory structures used as carports and nonpermanent or movable apparatus or units used as carports.

f. Hoop houses and other hoop designed apparatus, whether as accessory structures and nonpermanent or movable apparatus may be placed and used and may be covered with plastic sheets if they meet the following:

(1) Located on lots greater than or equal to 2.5 acres in the A and E zoning districts;

(2) Maximum size of five hundred (500) square feet; and

(3) Minimum setback of fifty feet (50’) from all property lines. (Ord. 1196, 10-12-2009)
APPENDIX D: LANDSCAPE PLAN REQUIREMENTS

The City requires certain urban and suburban developments to provide landscaping within the development. This requirement applies to open space areas not used for parking or storage.

Municipal Code of Ordinances:

Title 10, Chapter 15 – Zoning Regulations, Performance Standards

Section 10-15-11: Landscaping:

A. Site Landscaping:

1. Minimum Requirements: All open space areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, ornamental trees, shrubs, flowers, ground cover, decorative walks, or other similar site design materials in a quantity and placement suitable for the site. A reasonable attempt should be made to preserve as many existing trees as is practicable and to incorporate them into the development. For each existing significant tree retained, one overstory tree can be deducted from the minimum requirements.

2. B And I Districts: In all B and I districts, a landscaped yard shall be provided and maintained along all streets where such district faces an R, P or E zone or use across a street. The landscaping shall consist of grass or evergreen plantings. The yard shall be kept clear of all structures, storage and off street parking; and shall be at least twenty feet (20’) in depth along all streets, measured from the street right of way. Except for driveways, the yard shall extend along the entire frontage of the lot and, in the case of a corner lot, along both streets. When the landscaped yard is between the street and an off street parking area, a wall, solid fence two and one-half (21/2) to three feet (3’) high or screening consistent with subsection 10-15-9C of this chapter shall be provided.

3. Trees:

   a. Number Of Plantings:

      (1) The minimum number of overstory trees on any given site shall be as indicated below. These are minimum requirements that are typically supplemented with other understory trees, shrubs, flowers and ground covers deemed appropriate for a complete quality landscape treatment of a site.

      (A) Commercial, industrial, and institutional site shall contain, at a minimum, the greater of:
(i) One tree per one thousand (1,000) square feet of gross building floor area; or

(ii) One tree per fifty (50) linear feet of site perimeter.

(B) Multi-family residential site shall contain, at a minimum, one tree per dwelling unit.

(2) An equivalent of up to fifty percent (50%) of the required number of overstory trees may be created through the use of overstory trees in combination with other landscape design elements at a ratio of six (6) shrubs to one overstory tree and/or two (2) ornamental trees to one overstory tree. In no case shall the number of overstory trees be less than fifty percent (50%) of the appropriate formula.

b. Minimum Sizes: Required trees shall be of the following minimum planting size:

(1) Deciduous trees: Two and one-half inches (2.5") in diameter as measured three feet (3') aboveground.

(2) Coniferous trees: Six feet (6') in height.

(3) Deciduous shrubs: Two feet (2') in height.

(4) Evergreen shrubs: Two feet (2') in height or two feet (2') in width, whichever applies.

(5) Ornamental trees: One and one-half inches (1.5") in diameter as measured three feet (3') aboveground.

c. Species:

(1) All trees used in site developments shall be indigenous to the appropriate hardiness zone and physical characteristics of the site.

(2) All deciduous trees proposed to satisfy the requirements shall be long lived, hardwood species.

(3) The complement of trees fulfilling the landscaping requirements shall be not less than twenty five percent (25%) deciduous and not less than twenty five percent (25%) coniferous.

4. Sodding And Ground Cover: All areas not otherwise improved in accordance with approved site plans shall be sodded. All sodding and ground cover shall be established within one year of issuance of a certificate of occupancy for the property.

5. Slopes And Berm:

a. Final slope grades shall not exceed three and one-half to one (3.5:1) unless terracing of retaining walls is approved.
b. Berming for parking lots and open space areas shall not exceed three to one (3:1).

6. Warranty For Landscape Materials: Proof of a two (2) year warranty for the landscape materials from the provider of the landscape materials, or an alternate guarantee found acceptable to the zoning administrator, shall be submitted to the city. Said warranty or alternate guarantee shall be submitted to the city prior to issuance of a certificate of occupancy for the property.

B. Parking Lot Landscaping:

1. Overstory Trees:

   a. All parking lots are required to provide internal overstory tree plantings in an effort to shade parking surfaces and provide visual relief. Plantings are required at the following minimum schedule. The planting schedule is established to provide an acceptable number of plantings that may be planted in regular symmetrical patterns or irregular clusters or groupings.

      (1) One tree per every ten (10) parking spaces.

      (2) Every overstory tree planting shall be provided with a planting area of one hundred sixty two (162) square feet.

   b. Proof of a two (2) year warranty for the overstory tree plantings from the provider of the overstory trees, or an alternate guarantee found acceptable to the zoning administrator, shall be submitted to the city. Said warranty or alternate guarantee shall be submitted to the city prior to final inspection and use of the parking lot.

APPENDIX E: GENERAL PROVISIONS GOVERNING ZONING

Zoning is a tool that allows cities to divide its boundaries into zoning districts, each of which have certain restrictions and/or characteristics. Inver Grove Heights has established several zoning regulations – some general and others that are specific to a particular zoning district. The following information is not an extensive overview of the zoning regulations. Instead, this section is intended to give a general overview of the zoning regulations in Inver Grove Heights.

Inver Grove Heights has over 20 zoning districts. Inver Grove Heights’ municipal code holds that if there are other laws, code provisions, resolutions, or regulations that are more restrictive than the zoning regulations set forth, that the most restrictive rules shall prevail. Additionally, the municipal code outlines its procedure process, specifically allotting for public participation.

For more information, please visit Inver Grove Heights’ zoning and planning website, http://www.ci.inver-grove-heights.mn.us/Index.aspx?NID=57

Municipal Code of Ordinances:

**Title 10 – Zoning Regulations**

Section 10-1-2: PURPOSE:

*This title is adopted for the purpose of:*

A. Protecting the public health, safety, morals, comfort, convenience and general welfare;

B. Dividing the city into zones and districts, restricting and regulating therein the location, construction, reconstruction, alteration and use of structures and land;

C. Promoting orderly development of the residential, business, industrial, recreational and public areas;

D. Providing adequate light, air and convenience of access to property;

E. Limiting congestion in the public right of way;

F. Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them;

G. Providing for compatibility of different land uses and the most appropriate use of land throughout the city;

H. Providing for a more orderly transition from a rural to an urban or suburban environment; and

I. Implementing the policies and goals of the city comprehensive plan. (Ord. 1098, 11-8-2004)
Section 10-4-1: DISTRICTS ESTABLISHED:

The following are the zoning districts in the city:
A Agricultural district
E Estate districts
   E-1 21/2 acre estate district
   E-2 13/4 acre estate district
R Residential districts
   R-1A One-family residential district
   R-1B One-family residential district
   R-1C One-family residential district
   R-2 Two-family residential district
   R-3A Multiple-family residential district
   R-3B Multiple-family residential district
   R-3C Multiple-family residential district
   R-4 Manufactured home park district
   MF-PUD Multiple-family planned unit development district
B Business districts
   B-1 Limited business district
   B-2 Neighborhood business district
   B-3 General business district
   B-4 Shopping center district
   MU-PUD Mixed use planned unit development district
   COMM-PUD Commercial planned unit development district
   OFFICE-PUD Office planned unit development district
   OP Office park district
I Industrial districts
   I-1 Limited industry district
   IOP Industrial office park district
   I-2 General industry district
P Institutional district
Special use districts
   Planned unit development district
   Shoreland management overlay district
   Critical area overlay district
   Floodplain management district
   IRM Integrated resource management overlay district
   Noise abatement overlay district
   SG Sand and gravel overlay district
   South St. Paul airport overlay district
   AP Airport overlay district
APPENDIX F: MUNICIPAL CODE PROVISIONS

Gardening

Title 10, Chapter 15 – Zoning Regulations, Performance Standards

Section 10-15-33: Community Gardens and Personal Gardens:

Where permitted, community gardens shall be subject to the following conditions:

A. Community Gardens Permitted: Community gardens are permitted in all zoning districts.

B. Use: Community gardens may be the principal or accessory use on a parcel.

C. Retail Sales Prohibited: No on site retail sales shall be permitted with regard to community gardens.

D. Excavation: No excavation for the community garden shall occur until after the property owner has had all underground utilities located on the site and has clearly marked the area where gardening may occur without disturbance to utilities.

E. Location: Community gardens shall not be located within any public easement.

F. Accessory Buildings: Accessory buildings for community gardens are not permitted on vacant parcels. Developed parcels may have accessory buildings as allowed in the underlying zoning district.

G. Parking: Parking for the community garden shall be provided on streets where parking is permitted or on an existing parking surface with the written permission of the owner of the parking surface.

H. Trash Containers: Trash containers may be provided on site provided they meet accessory structure setbacks for the underlying zoning district and are screened by an opaque fence and/or landscape plantings of sufficient height to screen the containers. All trash shall be removed from the community garden site at least once per week.

I. Compost Bins: Compost bins are permitted as regulated by section 8-6-6 of this code.

J. Setback: The community garden shall be set back a minimum of five feet (5’) from all property lines in order to provide a vegetated buffer of grass or other plants to minimize the transfer of sediment and to delineate the edges of the community garden.

K. Paths: Paths may be installed to access the community garden and individual community garden plots provided the paths are constructed using natural landscape materials including wood chips, mulch, landscape rock or pea gravel.

L. Negative Impacts Prohibited: The community garden site shall be designed and maintained to prevent negative impacts to adjacent properties from individual gardeners and gardening
activities including, but not limited to, irrigation, fertilizer, soils, stormwater, cultivated areas, trespassing and garden debris.

M. Maintenance: Community gardens shall be maintained in a neat and orderly manner. Trash, weeds, dirt piles and debris of any sort shall not be allowed to accumulate on the community garden site.

N. Community Garden Site Restoration: Upon cessation of the community garden, the community garden site shall be fully restored to the pregarden status. All aboveground remains of the community garden shall be promptly removed and the ground leveled and restored so it can be utilized for uses permitted in the zoning district.

O. Community Garden Signage: One nonilluminated community garden identification sign may be displayed provided:

1. The sign shall not exceed ten (10) square feet in area or ten feet (10') in height and the sign shall be set back a minimum of ten feet (10') from property lines;

2. Current contact information for the community garden should be posted on the sign including the property owner and community garden manager contact name(s), address(es), and telephone number(s).

Personal gardens are not subject to the above conditions imposed on community gardens. Personal gardens may be the principal or accessory use on a parcel.

Title 7, Chapter 3 – Public Ways and Property, Public Rights of Way Management

Section 7-3-6: Registration and Right of Way Occupancy:

A. Registration Required:

1. Each person who occupies, uses, or seeks to occupy or use the right of way or place any equipment or facilities in or on the right of way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the city. Registration will consist of providing application information and paying a registration fee. Registration shall be renewed annually. No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof in, any right of way without first being registered with the city.

2. Nothing in this chapter shall be construed to repeal or amend the provisions of a city ordinance establishing the rights of and limitations placed on persons to plant or maintain boulevard plantings or gardens in the area of the right of way between their property and the street curb. Persons carrying out or requesting the following work shall not be deemed to use or occupy the right of way within the meaning of this chapter, and shall not be governed by this chapter. Such persons are or may be governed by other code sections, including, but not limited to, those noted as follows:
a. Persons planting or maintaining vegetation in the boulevard, chapters 1 and 2 of this title and title 5, chapter 9 of this code.

...  

c. Persons erecting fences over drainage or utility easements, chapter 2 of this title and section 10-15-12 of this code.

...  

g. Persons installing irrigation systems, chapter 1 of this title.

3. Nothing herein relieves a person from complying with the provisions of the Minnesota statutes chapter 216D, gopher one call law.

Title 8, Chapter 2 – Water and Sewer; Public Services, Water Systems

Sec. 8-2-14: Conservation Measures During Emergencies

A. Whenever either of the following events occurs:

...  

2. The city's director of public works, in writing, determines that an emergency exists because a shortage of water threatens the city water supply capabilities, and the written determination of the city's director of public works is posted on the principal bulletin board at city hall, and the city issues a press release that announces such determination;

then the city council or the director of public works, as the case may be, may limit the times and hours during which water may be used from the city water system for sprinkling lawns, landscaping and gardens, irrigation, washing of vehicles, air conditioning and other uses as so determined by the city council or the director of public works. In such an emergency situation, the city council or director of public works may also completely prohibit water from the city water system being used for sprinkling lawns, landscaping and gardens, irrigation, washing of vehicles, air conditioning and other uses as so determined by the city council or the director of public works. It shall be unlawful for any person to use the city water system in a manner contrary to the restrictions or prohibitions. It shall be unlawful for any person to cause or to allow use of the city water system in any manner contrary to the restrictions or prohibitions.

B. The city promotes water conservation and encourages landowners with odd numbered addresses to water lawns, landscaping and gardens only on odd numbered days of the month, and the city encourages landowners with even numbered addresses to water lawns, landscaping and gardens only on even numbered days of the month. The city encourages landowners to follow a practice of not watering lawns, landscaping and gardens between the hours of twelve o'clock (12:00) noon and five o'clock (5:00) P.M. The suggested practices of odd/even day watering and eliminating watering between twelve o'clock (12:00) noon and five o'clock (5:00) P.M. do not apply to the watering of lawns and landscaping for the first thirty (30) days after the establishment or planting of such lawns or landscaping.
Title 10, Chapter 6 – Zoning Regulations, Land Use Matrices

Section 10-6-1: Land Uses in All Residential Districts:

\[ P = \text{Permitted use} \]
\[ C = \text{Conditionally permitted use} \]
\[ A = \text{Accessory use} \]

<table>
<thead>
<tr>
<th>Use</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
</tr>
<tr>
<td><strong>Permitted uses:</strong></td>
<td></td>
</tr>
<tr>
<td>Communit y gardens</td>
<td>P</td>
</tr>
<tr>
<td>Personal gardens</td>
<td>P</td>
</tr>
<tr>
<td><strong>Accessory uses:</strong></td>
<td></td>
</tr>
<tr>
<td>Gardening and horticulture (no product sales)</td>
<td>A</td>
</tr>
</tbody>
</table>

Section 10-6-2: Land Uses in All Nonresidential Districts:

\[ P = \text{Permitted use} \]
\[ C = \text{Conditionally permitted use} \]
\[ A = \text{Accessory use} \]
<table>
<thead>
<tr>
<th>Use</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
<th>B-4</th>
<th>OP</th>
<th>I-1</th>
<th>IOP</th>
<th>I-2</th>
<th>P</th>
<th>MU-PUD</th>
<th>COMM-PUD</th>
<th>OFFICE-PUD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community gardens</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Personal gardens</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

Title 10, Chapter 13, Article D – Zoning Regulations, Special Use Districts, Floodplain Management

Section 10-13D-7-1: FW Floodway District:

A. Permitted Uses:

1. Enumerated:

   General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

   Residential lawns, gardens, parking areas and play areas.

Farming

Title 10, Chapter 15 – Zoning Regulations, Performance Standards

Section 10-15-8: Maintenance:

In all districts, all structures, required landscaping, and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

Title 10, Chapter 7 – Zoning Regulations, Agricultural District

Section 10-7-1: Purpose and Intent:

The agricultural district is established for agricultural uses and related activities. It also functions as a large lot rural residential district and a holding district for future urban development of land that does not yet have immediate access to municipal utilities. Scattered
small scale truck type farming operations occur throughout the city's nonurbanized areas, and these and other agricultural activities occur as an interim or permanent land use on individual properties. The agricultural district is intended to enable the continuation of these agricultural activities.

**Title 10, Chapter 8 – Zoning Regulations, Estate Districts**

Section 10-8A-1: Purpose and Intent:

The E-1 estate district is established for large lot rural residential development with private water and sewer services. Scattered small scale truck type farming operations occur throughout the city's nonurbanized areas, and these and other agricultural activities occur as an interim or permanent land use on individual properties. The E-1 estate district is intended to allow the continuation of these agricultural activities.

**Title 10, Chapter 13 – Zoning Regulations, Floodplain Management**

Section 10-13D-7-1: Floodway District:

A. **Permitted Uses:**

1. Enumerated:

General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

Section 10-13D-7-2: FF Flood Fringe District:

A. **Permitted Uses:**

1. Enumerated: Permitted uses shall be those uses or structures listed as permitted uses in the underlying zoning district(s). All permitted uses shall comply with the standards for flood fringe district permitted uses and the standards for all flood fringe uses listed below.

2. **Standards:**

a. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot (1') below the regulatory flood protection elevation and the fill (maximum 4:1 slope) shall extend such elevation at least fifteen feet (15') beyond the outside limits of the structure erected thereon.

b. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet at its largest projection may be internally floodproofed in accordance with subsection 10-13D-7-1B2e(3) of this article.
c. The cumulative placement of fill where at any one time in excess of one thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use unless said fill is specifically intended to elevate a structure in accordance with subsection A2a of this section. Title 9, chapter 4 of this code shall also apply to all fill and excavation activities regardless of the quantitative amount of material.

d. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

e. The provisions of subsection C of this section shall apply.

Farm Animals

Title 5, Chapter 4 – Police, Health and Safety, Animal Control

Section 5-4-2: Keeping of Certain Animals Permitted:

A. Animals Permitted Pursuant To Regulations: The following animals may be kept in the city pursuant to the regulations of this chapter and relevant provisions of the zoning ordinance: domestic animals; farm animals and permitted nondomestic animals; and inherently dangerous animals.

B. Chickens On Urban Residential Lots:

1. License Required: No person shall keep chickens on any property zoned R-1A, R-1B, R-1C or R-2, within the city without first obtaining a license from the city.

2. Application: An application for a license to keep chickens shall be made to the city clerk on the form prescribed by the city. The applicant must provide all the information required on the form, including, but not limited to:

   a. The name and address of the owner(s) where the chickens will be kept;
   
   b. The number of chickens to be kept on the property;
   
   c. Site plan or property survey showing the proposed location of the chicken coop and/or run on the subject property;
   
   d. Drawing or picture of the proposed chicken coop;
   
   e. The applicant must pay the fee for the license to keep chickens as set forth in the city fee schedule.

3. Notice To Surrounding Property Owners: Once the city clerk receives a complete application from an applicant, the city clerk shall provide written notice of and include a copy of said application to those owners of properties contiguous to and directly abutting the proposed location. Owners shall be determined as those shown as owners on the tax statement prepared by the county treasurer.
4. Granting Issuance Of License: The city clerk may administratively grant an initial or renewal license under this subsection provided all of the following have been met:

   a. All submittal information is submitted and complete.

   b. Appropriate fee is paid.

   c. The application filed demonstrates compliance with the requirements of this subsection and any other applicable regulations of this code.

   d. No persons mailed a notice object in writing to the request within ten (10) days of notice being mailed; an objection sent electronically shall be deemed an objection in writing.

5. Denying Issuance Of License: The city clerk shall deny issuance of a license if any of the items in subsection B4 of this section have not been met. In the instance where an objection has been received by an abutting property owner, the item shall be placed on the next available city council agenda for council review and determination of whether the license shall be issued.

6. Standards: Any person keeping chickens in residential areas of the city as noted in subsection B1 of this section, shall comply with all of the following:

   a. No person shall keep more than six (6) total hen chickens on the property.

   b. No person shall keep roosters or adult male chickens on the property.

   c. Cockfighting is specifically prohibited within the city.

   d. The slaughter of chickens is prohibited on residentially used or zoned properties.

   e. The owner of the chickens shall live in the dwelling on the property.

   f. The raising of chickens for breeding purposes is prohibited.

   g. Chickens shall not be kept inside a dwelling.

7. Shelter And Enclosure Requirements: Every person who owns, controls, keeps, maintains or harbors hen chickens must keep them confined on the premises at all times in a chicken coop or chicken run. Chicken coops and runs shall comply with the following standards:

   a. Only one chicken coop and/or run shall be allowed per lot.

   b. Chicken coops and runs shall not be located in the front or side yards and shall not be placed within any drainage and utility easement.

   c. Any chicken coop or chicken run shall be set back at least twenty five feet (25') from any principal structure on any adjacent lot and ten feet (10') from all property lines.

   d. Any chicken coop and run fencing must be consistent with applicable zoning codes.
e. No chicken coop or run shall be constructed on a lot prior to the time of occupancy of the principal structure.

f. Chickens shall be provided a secure and well ventilated roofed structure in compliance with applicable zoning codes.

g. The floors and walls of the roofed structure shall be kept clean, sanitary and in a healthy condition.

h. Chickens shall be contained within a chicken run at all times.

i. The run area shall be well drained so there is no accumulation of moisture.

j. Chicken feed shall be stored in leakproof containers with a tightfitting cover to prevent attracting vermin.

8. License Modification: The license may be reasonably modified by animal control authority if necessary to respond to changed circumstances. Any modification shall be effective ten (10) days after the mailing of written notice by certified mail to the license holder. The license holder may challenge the modification by contacting the city clerk and requesting a hearing within ten (10) days after the receipt of written notice. A hearing regarding the proposed modification shall be held before the city council.

9. Duration Of License: A license to keep chickens shall be issued for a period of two (2) years beginning March 1 and ending February 28. Applications for a renewal permit may not be made prior to sixty (60) days before March 1.

10. Conditions/Maintenance And Inspections: No person who owns, controls, keeps, maintains or harbors chickens shall permit the premises where the chickens are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors to be carried to adjacent public or private property. Any chicken coop and run authorized under this section may be inspected at any reasonable time by authorized city staff to inspect for compliance with this chapter and other relevant laws and regulations.

11. Revocation Of License: A license may be revoked by the city council for a violation of any condition of this section following notice and a hearing as provided for in title 3, chapter 2 of this code.

12. Penalty: Violation of this section shall be a petty misdemeanor.

Title 10, Chapter 6 – Zoning Regulations, Land use Matrices

Section 10-6-1: Land Use in All Residential Districts:

\[ P = \text{Permitted use} \]
\[ C = \text{Conditionally permitted use} \]
\[ A = \text{Accessory use} \]
<table>
<thead>
<tr>
<th>Use</th>
<th>A</th>
<th>E-1</th>
<th>E-2</th>
<th>R-1A</th>
<th>R-1B</th>
<th>R-1C</th>
<th>R-2</th>
<th>R-3A</th>
<th>R-3B</th>
<th>R-3C</th>
<th>R-4</th>
<th>MF-PUD</th>
<th>MU-PUD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permitted uses:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farm animals</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horses and ponies (see subsection 10-5-7A3 of this title)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>On site sale of farm animals and permitted nondomestic animals (provided a portion are raised on the premises)</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Conditional uses:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal slaughter facilities (see section 10-</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>15-28 of this title)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Commercial horse stables</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Accessory uses:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Keeping of animals (see section 10-5-7 of this title)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Title 10, Chapter 5 – Zoning Regulations, General Zoning Provisions**

Section 10-5-7: Animals:

*The following animals may be kept in the city:*

A. Permitted Animals; Conditions:

2. Farm And Permitted Nondomestic Animals: Farm and permitted nondomestic animals are allowed in A and E-I zoning districts, except where elsewhere allowed herein, provided:

   a. All farm and permitted nondomestic animals must be so contained to prevent the animals from escaping onto neighboring properties or injuring the public.

   b. Enclosed pens, corrals, feedlots, and structures used to house farm and permitted nondomestic animals shall be set back a minimum of twenty-five feet (25') from the nearest lot line or the applicable accessory structure setback, whichever is greater. (Said setback shall not apply to open grazing or pasture areas.)

   c. Notwithstanding this subsection A2, farm and permitted nondomestic animals may be allowed in other zoning districts according to subsection A5 of this section. (Ord. 1098, 11-8-2004)
d. Notwithstanding this subsection A2, chickens may be allowed in the R-1A, R-1B, R-1C and R-2 zoning districts subject to the issuance of a valid urban chicken license according to subsection 5-4-2B of this code.

e. Chickens may be allowed in the E-2 zoning district subject to the provisions of this subsection A2. (Ord. 1266, 5-13-2013)

3. Horses: Horses are allowed in all A and E zoning districts, and miniature horses not taller than thirty eight inches (38”), as measured to the top of the withers, are allowed in all A, E and R-I zoning districts, provided:

a. The minimum lot size is one and three-fourths (1.75) acres.

b. Structures used to shelter horses must conform to the setback requirements of subsection A2b of this section.

c. Proper care and shelter shall be provided to all horses as required by Minnesota statutes section 346.38.

d. (1) Any nonconforming structure, fenced enclosure, or property used for the keeping of horses, which lawfully existed as of the effective date hereof, may be continued at the size and in the manner of operation existing upon said date, provided the provisions of subsections A2a, A3c, A5, B and C of this section are satisfied. It shall be unlawful for persons keeping horses in a nonconforming condition to:

   (A) Enlarge, alter or increase the area of any structure or fenced enclosure when the said structure or fenced enclosure does not meet the standards set forth in subsections A2b and A3b of this section; or

   (B) Increase the number of horses beyond that kept on the subject property as of the effective date hereof when their keeping is not in compliance with subsection A2 of this section or this subsection A3.

   (2) Maintenance, necessary nonstructural repairs and incidental alterations of such structures and fence enclosures shall be permitted, provided such maintenance, repairs and alterations do not extend, enlarge or increase their capacity.

5. Other Animals:

a. Any animal not allowed by subsections A1, A2 and A3 of this section, that is kept as part of the St. Paul Como Zoo docent program, department of natural resources game permit, 4-H animal husbandry program or other program commonly recognized as a reputable animal husbandry program, is exempt from the provisions of this section and allowed in all zoning districts, provided
protective devices adequate to prevent such animals from escaping or injuring the public are provided.

b. When such exempted animals are to be kept, the participants must notify the city clerk in writing of their participation in the program, the general identification of the animals to be kept within a known time frame, and the estimated period of time the animals are to be kept.

B. Commercial Purposes: Animals may only be kept for commercial purposes if allowed in the zoning district where the animals are located.

C. Nuisance Animals: Animals may not be kept within the city if they cause a nuisance or endanger the health or safety of the community.

D. Manure Removal Required: Accumulation of animal manure shall be removed at such periods of time to ensure no leaching occurs into nearby wells or surface water, or objectionable odor exists.

Title 10, Chapter 3, Article B – Zoning Regulations, Special Use District, Shoreland Management Overlay

Section 10-13B-14: Public/Semipublic, Agricultural, Forestry and Extraction Uses:

C. Agricultural Use Standards:

1. In all lake and river shoreland areas, general cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or managed under an approved conservation plan (resource management systems) consistent with the field office technical guides of the local soil and water conservation districts of the United States soil conservation service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty feet (50’) from the ordinary high water level.

2. Animal feedlot operations shall be prohibited.

Sec. 10-13B-7-1: FW Floodway District

A. Permitted Uses:

1. Enumerated:

   General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

**Title 10, Chapter 15– Zoning Regulations, Performance Standards**

Section 10-15-28: Animal Slaughtering Facilities:
Animal slaughtering facilities are a conditionally permitted use in the A agricultural district if the facility is provided only to persons directly purchasing animals from the owner and occupant of a permitted or allowed use, and if the following standards are met:

A. A portion of the animals to be slaughtered must be raised on the premises.

B. The slaughtering facilities shall be accompanied by a single-family residential use on the same parcel or lot.

C. No person engaged in the slaughtering of animals shall be employed on, or a resident of, the subject property.

D. The maximum area (indoor, outdoor or combination thereof) to be used for the slaughtering of animals is one thousand five hundred (1,500) square feet.

E. Adequate off street parking is provided to accommodate the traffic generated by the use.

F. The minimum lot size shall be ten (10) acres.

G. The use of the property shall conform to all applicable city, county, state and federal health and safety regulations.

**Chicken Coops**

See Appendix B: REGULATIONS GOVERNING ACCESSORY BUILDING, STRUCTURES, AND USES

**Title 5, Chapter 4 – Police, Health and Safety, Animal Control**

Section 5-4-2: Keeping of Certain Animals Permitted:

7. Shelter And Enclosure Requirements: Every person who owns, controls, keeps, maintains or harbors hen chickens must keep them confined on the premises at all times in a chicken coop or chicken run. Chicken coops and runs shall comply with the following standards:

   a. Only one chicken coop and/or run shall be allowed per lot.

   b. Chicken coops and runs shall not be located in the front or side yards and shall not be placed within any drainage and utility easement.

   c. Any chicken coop or chicken run shall be set back at least twenty five feet (25’) from any principal structure on any adjacent lot and ten feet (10’) from all property lines.

   d. Any chicken coop and run fencing must be consistent with applicable zoning codes.

   e. No chicken coop or run shall be constructed on a lot prior to the time of occupancy of the principal structure.
f. Chickens shall be provided a secure and well ventilated roofed structure in compliance with applicable zoning codes.

g. The floors and walls of the roofed structure shall be kept clean, sanitary and in a healthy condition.

h. Chickens shall be contained within a chicken run at all times.

i. The run area shall be well drained so there is no accumulation of moisture.

j. Chicken feed shall be stored in leakproof containers with a tightfitting cover to prevent attracting vermin.

Fence

Title 10, Chapter 15 – Zoning Regulations, Performance Standards

Section 10-15-8 – Maintenance:

In all districts, all structures, required landscaping, and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

Section 10-15-12: Fences:

A. Permit Required; Existing Fences: It shall be necessary for all fence construction in the city to have the owner or his contractor obtain a fence permit before erecting a fence or enclosure. All those fences which are existing on May 12, 1971, are permitted even though they may not comply with this section. However, any major repair to existing fences shall conform to this section.

B. Yard Fences:

1. Fences in the front yard area shall provide no less than seventy five percent (75%) clear visibility within forty two inches (42”) of the ground and shall be no higher than forty two inches (42”), plus two (2) additional inches for clearance at the ground line. All fences constructed in other areas than the front yard and corner lot side yard clearance areas may be no more than seven feet (7’) in height. Fences in riparian yards shall be no higher than forty two inches (42”), plus two (2) additional inches for clearance at the ground line.

2. Fencing around tennis courts in the P institutional zoning district and the outfields of ball fields in the P institutional zoning district are exempt from the seven foot (7’) height limitation.

C. Traffic Visibility2:

1. No fences, walls or structures exceeding thirty inches (30”) in height shall be located where they would obstruct safe view from any driveway, and there shall be no solid fences closer than fifteen feet (15’) from the face of the curb.
2. The outside corner of any corner lot shall be free from any fence unless it provides seventy five percent (75%) clear visible opening. The "outside corner" shall be defined as the area bounded by the property line (street right of way line) and a line between the points thirty feet (30’) in each direction from the block corner (lot corner) along said property lines.

D. Prohibited Materials: Within areas served by the municipal sanitary sewer system, fences shall not be constructed of barbed wire, chainlink with barbs up, or any other material that proves dangerous or hazardous or has intentions of inflicting harm to life or limb.

E. Construction Requirements: All fencing shall be constructed straight, true and plumb. Fences may be constructed on the property line. All fencing shall be constructed so that the exterior or outer face will face to the outside or away from the property being fenced. This means that the fenceposts, bracing and similar material will be located on the inside or the owner's side of the fence.

Title 5, Chapter 9 – Police, Health and Safety, Property Nuisance

Section 5-9-2: Definitions:

★ Property nuisance: A. Means and includes any of the following:

9. Any fence, dock, deck, tree, pole, excavation, hole, pit, or uncovered foundation, which, by reason of the condition, creates a public health or safety hazard.

Title 10, Chapter 5 – Zoning Regulations, General Zoning Provisions

Section 10-5-3: Traffic Visibility:

A. No fences, structures or plantings shall be permitted to exceed three feet (3’) in height within any front or side yard areas on a corner lot which may interfere with the visibility across the corner.

Title 10, Chapter 6 – Zoning Regulations, Land Use Matrices

Section 10-6-1: Land Use in All Residential Districts:

P = Permitted use  
C = Conditionally permitted use  
A = Accessory use
### Accessory uses:

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>E-1</th>
<th>E-2</th>
<th>R-IA</th>
<th>R-IB</th>
<th>R-1C</th>
<th>R-2</th>
<th>R-3A</th>
<th>R-3B</th>
<th>R-3C</th>
<th>R-4</th>
<th>MF-PUD</th>
<th>MU-PUD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fences (see section 10-15-12 of this title)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>

Section 10-6-2: Land Use In All Nonresidential Districts:

\[ P = \text{Permitted use} \]
\[ C = \text{Conditionally permitted use} \]
\[ A = \text{Accessory use} \]
Title 10, Chapter 13, Article D – Zoning Regulations, Special Use Districts, Floodplain Management District

Section 10-13D-7-1: FW Floodway District:

B. Conditional Uses:

1. Enumerated:

Placement of fill or construction of fences.

Section 10-13D-13: Administration and Enforcement:

B. Permits:

1. Building Permits: A building permit in conformance with the provisions of this article shall be required prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair) or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation materials, or the storage of materials or equipment within the floodplain. Said permit must be approved by the chief building official only after review by the zoning administrator. A building permit must also be approved in the same manner prior to the change of use of a building or land.

Planting Boxes

Title 9, Chapter 6 – Building and Development, Excavations and Fills

Section 9-4-1-3: Exemptions from Permit or Approval:

E. The filling or raising of existing surface grades by rock, sand, dirt, gravel, clay or other like material or the displacement, excavation, removal or storage of rock, sand, dirt, gravel, clay or other like material when all of the following conditions are met:

1. The total amount of material does not exceed five hundred (500) cubic yards and no demolition debris is used;

2. The material is for finished grade or finished landscaping purposes or for gardening;
3. Existing drainage and ponding patterns are not significantly altered so as to adversely affect adjoining land; and

4. The resultant grade and slopes at the property line are in substantial conformity to the surrounding natural topography, are set so as to minimize erosion, and provide for sufficient drainage so that both natural and storm water enter and leave the property at the original or natural drainage points.

**Arbors, Trellises, and Pergolas**

**Title 10, Chapter 6 – Zoning Regulations, Land Use Matrices**

Section 10-6-1: Land Use in All Residential Districts:

\[ \text{\emph{P} = Permitted use} \]
\[ \text{\emph{C} = Conditionally permitted use} \]
\[ \text{\emph{A} = Accessory use} \]

<table>
<thead>
<tr>
<th>Use</th>
<th>A</th>
<th>E-1</th>
<th>E-2</th>
<th>R-1A</th>
<th>R-1B</th>
<th>R-1C</th>
<th>R-2</th>
<th>R-3A</th>
<th>R-3B</th>
<th>R-3C</th>
<th>R-4</th>
<th>MF-PUD</th>
<th>MU-PUD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted uses:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory uses:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decorative landscape features</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>
Greenhouse

See Appendix B: Regulations Governing Accessory Buildings and Structures for potential considerations.

Hoop House

See Appendix B: Regulations Governing Accessory Buildings and Structures for potential considerations.

Title 10, Chapter 15 – Zoning Regulations, Performance Standards

Section 10-15-17: Exterior Building Materials:

C. Residential Accessory Structures:

3. Prohibited Materials: Cloth, fabric, canvas, plastic sheets, tarps, tarpaper and insulation shall be prohibited as final covers for exterior walls and roofs for all accessory structures in all residential zoning districts (R, A and E districts). In all residential zoning districts (R, A and E districts), the placement or use of framing for hoop houses or other hoop designed apparatus, tent garages and other similar apparatus is prohibited, whether it is an accessory structure or an apparatus as described in subsection C5 of this section.

5. Apparatus: All limitations, restrictions, regulations, prohibitions and standards set forth in this subsection C relating to accessory structures shall also apply to the following:

   Nonpermanent or movable apparatus or units, not permanently affixed to the ground, consisting of a frame that is to be used for or intended to be used for storage or other use. These include apparatus commonly known as hoop houses or other hoop designed apparatus, tent garages and other similar apparatus.

   The framing for hoop houses or other hoop designed apparatus, tent garages and other similar apparatus is prohibited, whether it is an accessory structure or an apparatus as described in this subsection C5.

6. Exceptions: The following are excluded from the requirements of this subsection C:

   f. Hoop houses and other hoop designed apparatus, whether as accessory structures and nonpermanent or movable apparatus may be placed and used and may be covered with plastic sheets if they meet the following:

   (1) Located on lots greater than or equal to 2.5 acres in the A and E zoning districts;

   (2) Maximum size of five hundred (500) square feet; and

   (3) Minimum setback of fifty feet (50') from all property lines.
Shed

Please see Appendix B for more information regarding regulations governing accessory structures.

Grocery Store

Title 10, Chapter 6 – Zoning Regulations, Land Use Matrices

Section 10-6-2: Land Uses in All Nonresidential Districts

- \( P = \) Permitted use
- \( C = \) Conditionally permitted use
- \( A = \) Accessory use

<table>
<thead>
<tr>
<th>Use</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B-1</td>
</tr>
<tr>
<td>Grocery store</td>
<td>P</td>
</tr>
</tbody>
</table>

Farmers Markets

Title 4, Chapter 11 – Business Regulations, Peddler and Solicitors

Section 4-11-2: Solicitor’s Registration:

\( B. \) Registration In Lieu Of License For Certain Entities: Instead of obtaining a peddler’s license, the following types of peddlers must obtain a certificate of registration from the city clerk, except as otherwise provided in section 4-11-3 of this chapter:

1. Farmers selling produce from the lands of the farmer or cultivated by the farmer.

...
E. Farmer's Produce: Any person selling or attempting to sell, or to take or attempting to take orders for any products of the farm or garden occupied or cultivated by the applicant shall provide the following additional information:

1. The address or specific location of the farm or garden upon which the produce was cultivated or obtained.

2. A written acknowledgment that the produce of the farm or garden was from lands of or cultivated by the applicant.

Title 7, Chapter 5 – Public Ways and Property, Parks and Recreation Areas

Section 7-5-1: Conduct in Parks and Recreation Areas:

D. Prohibited Activities: No person shall do any of the following in a park:

1. Distribute or display, or place on vehicles parked within a park, any circulars, cards, or announcements when the intention of such activity is to promote a commercial enterprise.

... 

3. Sell, solicit, or carry on any business or commercial enterprise or service unless explicitly authorized to do so by a permit issued by the city; provided that refreshments or other articles may be sold by the city or by persons authorized by the city to do so.

Food Establishments

Title 10, Chapter 6 – Zoning Regulations, Land Use Matrices

Section 10-6-2: Land Uses in All Nonresidential Districts:

P = Permitted use
C = Conditionally permitted use
A = Accessory use

<table>
<thead>
<tr>
<th>Use</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
<th>B-4</th>
<th>OP</th>
<th>I-1</th>
<th>IOP</th>
<th>I-2</th>
<th>P</th>
<th>MU-PUD</th>
<th>COMM-PUD</th>
<th>OFFICE-PUD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table: Zoning District

Page 94 of 123
Inver Grove Heights, Minnesota
Title 10, Chapter 15 – Zoning Regulations, Performance Standards

Sec. 10-15-25: Drive-Through Establishments:

Drive-through establishments in all districts shall be subject to the following performance standards:

A. A screening fence not over six feet (6’) in height nor less than four feet (4’), which is at least fifty percent (50%) opaque throughout its height, shall be constructed along the property line, or a planting strip not less than fifteen feet (15’) in width reserved and planted along the property line shall be developed according to a submitted planting plan that meets the approval of the council.

B. No drive-through windows, microphones, or reader and menu boards may be located in the front yard.

C. Adequate stacking spaces shall be provided to prevent conflict with vehicle movement and parking.

Title 10, Chapter 15, Article A – Zoning Regulations, Performance Standards, Off Street Parking and Loading

Section 10-15A-3: Off Street Parking Regulations:

A. Application And Interpretation Of Provisions:

3. Standard Restaurant: A "standard restaurant” shall be considered an eating establishment where food is served and consumed by a customer while seated at a counter or table

...
J. Minimum Number Of Required Parking Spaces: The minimum number of required parking spaces for allowed uses in the city shall be as established in the following table. When a use is not specifically listed in the table, the required number of parking spaces shall be established by the most similar use listed in the table, as determined by the city.

<table>
<thead>
<tr>
<th>Use</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurants, cafes, bars, nightclubs, dance halls</td>
<td></td>
</tr>
<tr>
<td>Restaurants (fast food)</td>
<td></td>
</tr>
<tr>
<td>Restaurants (fast food)</td>
<td></td>
</tr>
</tbody>
</table>

See complete code section for location, use, joint parking facilities, land banking, off site control, design and maintenance standards including setback and stall dimensions.

Food Carts, Mobile Food Units, and Food Stands

Title 10, Chapter 6 – Zoning Regulations, Land Use Matrices

Section 10-6-1: Land Uses in All Residential Districts:

P = Permitted use
C = Conditionally permitted use
A = Accessory use

<table>
<thead>
<tr>
<th>Use</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>E - 1</td>
</tr>
<tr>
<td>Seasonal agricultural products stands (see)</td>
<td>P</td>
</tr>
</tbody>
</table>
Title 10, Chapter 15 – Zoning Regulations, Performance Standards

Section 10-15-27: Seasonal Agricultural Products Stand:

Stands for the sale of agricultural products are permitted in the A agricultural zoning district and conditionally permitted in the E-1 estate zoning district, provided:

A. Only agricultural products such as vegetables, fruits, flowers, nursery stock, and similar items shall be sold on the premises.

B. All products to be sold shall be grown by the operator of the stand, and the stand shall be operated by the owner of the property on which it is located.

C. A portion of the agricultural products to be sold must be grown on the property on which the stand is located. Agricultural produce to be sold may also be grown on other property owned or leased by the operator of the stand.

D. Structures used for the sale of agricultural products shall not be enclosed, but may be roofed. Said structures may be permanent or temporary in nature and shall meet principle structure setback requirements.

E. Enclosed structures shall only be permitted for storage purposes accessory to the stand for agricultural products.

F. The aggregate floor area of all structures used for the sale of agricultural products shall not exceed one thousand (1,000) square feet. (Ord. 1098, 11-8-2004)

G. The stand for the sale of agricultural products shall only be open from May 1 to November 5, except that the stand may be used for the sale of Christmas trees. (Ord. 1098, 11-8-2004; amd. 2008 Code)

H. Mechanical refrigeration devices shall be limited to one thousand six hundred (1,600) cubic feet in size.

I. Off street parking shall be provided to adequately accommodate the use. No on street parking shall be allowed. The off street parking area shall be surfaced with a minimum of class V gravel.

J. Public restrooms shall be prohibited.

K. Signage shall conform to article E of this chapter for A zoned property.
Transient Merchant

Title 4, Chapter 11 – Peddlers and Solicitors

Section 4-11-4: Peddler’s License:

A. License Required: Except as otherwise provided in subsection 4-11-5B or in section 4-11-3 of this chapter, no person may conduct business as a peddler in the city without obtaining a license from the city council. A separate license is required for each person engaging in the proposed activity.

B. Contents Of License Application: The application shall contain the following information:

1. Name, address, date of birth, driver's license number and contact information of applicant.
2. Name, address and contact information of employer.
3. Description of the product being sold.
4. Length of time desired for the business activity.
5. Employer's Minnesota tax identification number.

C. Background Investigation: A background investigation shall be required, for which the appropriate fee must be paid. Following completion of the background investigation, the police chief shall make a recommendation to the city council as to the applicant's fitness for approval.

D. Action By City Council: The application shall be submitted at least thirty (30) business days before the applicant desires to conduct business. The city council will either grant or deny the license within thirty (30) days after a completed application has been submitted, based on a recommendation of the police chief.

E. Photo Identification Required: No peddler may conduct business within the city without obtaining a photo identification card authorized by the city.

F. Fee: The applicant must pay the fee for the background investigation at the time the application is made. If a license is issued, the license fee and photo identification card fee must be paid upon issuance of the license. No license is effective unless all of the fees have been paid. The license fee, photo identification card fee, and background investigation fee shall be established by city council resolution.

G. License Term: The term of the license shall be the lesser of either the length of time set forth in the application for which the applicant desires to conduct the business activity, or twelve (12) months from the date the license is approved by the city council.

Section 4-11-5: Solicitor’s Registration:
A. Registration Required: Except as otherwise provided in section 4-11-3 of this chapter, all solicitors must obtain a certificate of registration from the city clerk.

B. Registration In Lieu Of License For Certain Entities: Instead of obtaining a peddler's license, the following types of peddlers must obtain a certificate of registration from the city clerk, except as otherwise provided in section 4-11-3 of this chapter:

1. Farmers selling produce from the lands of the farmer or cultivated by the farmer.
2. Nonprofit, charitable, religious organizations or public or private schools.

C. Group Registration: In lieu of a registration application for each individual within a group or organization, a registration application for a certificate of registration may be submitted on behalf of a group or organization.

D. Contents Of Registration Application: The application shall contain the following information:

1. Name, address, date of birth, driver’s license number and contact information of applicant.
2. Name, address and contact information of employer, if related to the business activity.
3. Description of the product being sold.
4. Length of time desired for the business activity.
5. Employer's Minnesota tax identification number.
6. Name and address of each person who will be engaging in the proposed activity.

E. Farmer's Produce: Any person selling or attempting to sell, or to take or attempting to take orders for any products of the farm or garden occupied or cultivated by the applicant shall provide the following additional information:

1. The address or specific location of the farm or garden upon which the produce was cultivated or obtained.
2. A written acknowledgment that the produce of the farm or garden was from lands of or cultivated by the applicant. (Ord. 1194, 7-27-2009)

F. Background Investigation: A background investigation of the applicant may be conducted at the discretion of the city clerk. If a background investigation is conducted, the applicant shall pay the appropriate fee. Following completion of the background investigation, the police chief shall make a recommendation to the city clerk regarding the applicant's fitness for approval. (Ord. 1272, 11-12-2013)

G. Action By City Clerk: The application shall be submitted at least thirty (30) business days before the applicant desires to conduct business. Upon receipt of a completed application, the
city clerk shall grant or deny the issuance of a certificate of registration, based on a recommendation of the police chief.

H. Registration Fee: No registration fee is required.

I. Registration Term: The term of the registration shall be the lesser of either the length of time set forth in the application for which the applicant desires to conduct the business activity, or twelve (12) months from the date the registration is approved by the city clerk.

Section 4-11-6: Conditions of License:

A. Display: Every licensee shall display the photo identification card on his or her person in a conspicuous place showing the license number and photo identification card.

B. Production Of Photo ID, License And Certificate Of Registration: Every licensee shall produce and show the photo identification card and license number and every registrant shall produce and show the certificate of registration upon the request of a resident, police officer or city identified staff person.

C. Nontransferable: No license or certificate of registration is transferable from one person to another. Each person shall obtain a separate license and each group or organization shall obtain a separate certificate of registration.

D. Conduct Of Business: No peddler or solicitor shall conduct business in any of the following manners:

1. Calling attention to his or her business or items to be sold by means of blowing a horn or whistle, ringing a bell, crying out, or by any other noise so as to be unreasonably audible within an enclosed structure.

2. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right of way.

3. Conducting business in such a way so as to create a threat to the health, safety and welfare of any individual or the public.

4. Conducting business before eight o'clock (8:00) A.M. or after nine o'clock (9:00) P.M.

5. Failing to provide proof of license, registration, or identification, when requested.

6. Using the license or registration of another person.

7. Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler or solicitor shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration.
8. Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating, or abusive.

E. Exclusion By Placard: Unless invited to do so by the property owner or tenant, no peddler or solicitor shall enter the property of another for the purpose of conducting business as a peddler or solicitor when the property is marked with a sign or placard at least three and three-fourths inches (33/4”) long and three and three-fourths inches (33/4") wide with print of at least 48-point in size stating "No Peddlers Or Solicitors", or "Peddlers Or Solicitors Prohibited", or other comparable statement. No person other than the property owner or tenant shall remove, deface or otherwise tamper with any sign or placard under this section.

Parking

Title 6, Chapter 3 – Motor Vehicles, Traffic Regulations

Section 6-3-2: Parking Zones

The council is authorized to designate parking zones and restrict the length of time parking shall be permitted at any place within the city. In establishing or changing parking zones or parking restrictions, the council shall pass a resolution at a meeting adequately describing and defining said parking zones or parking restrictions.

Section 6-3-3: - Marking Spaces

The administrator is hereby authorized to mark off individual parking spaces. Parking spaces are to be designated by lines painted or durably marked on the curbing or surface of the street. At each space so marked off, it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.

Section 6-3-4: Angle Parking

In areas where angle parking is permitted, no person shall park any vehicle in any manner other than so that the front of the vehicle faces the adjacent curb.

Section 6-3-5: Temporary Parking Restricted:

The administrator or chief of police is hereby authorized to forbid parking of all vehicles for temporary periods in case of emergency at any place within the city.

Section 6-3-6: Limited Parking During Winter Months:

It shall be unlawful to park a vehicle on any street between the hours of three o'clock (3:00) A.M. and six o’clock (6:00) A.M. from November 1 through April 1.

Section 6-3-9: Sales of Merchandise:
A. No person shall park a vehicle on any street, other public property or upon private property without the landowner’s consent for displaying merchandise for sale or for selling merchandise on, from, or within such vehicle. In addition, the owner of the vehicle shall not allow the vehicle to be parked for any of the purposes or under any of the circumstances set forth in this subsection.

B. No person shall offer for sale or sell any merchandise within the right of way of any street.

C. No person shall paint, print, place or affix any advertisement, sign, markings or insignia within the right of way of any street.

**Title 10, Chapter 3, Article A – Zoning Regulations, Administration and Enforcement, Conditional Uses.**

Section 10-3A-2: Submission Requirements:

Application for a conditional use permit shall contain a completed city application with the number of copies as specified by the planning division with as much of the information detailed in the following plans as the planning division deems necessary:

A. Site development plan:

... 

7. Location and number of existing and proposed parking spaces with dimensions.

Section 10-3A-5: Review by Planning Commission; Action by Council.

A. The planning commission may recommend to approve, approve with conditions or deny a request for a conditional use permit. In making a recommendation, the planning commission shall consider the following provisions. If the planning commission does not make a recommendation in a timely fashion, the council may act without the recommendation. The city council may grant a conditional use permit as the use permit was applied for, or in modified form, and impose conditions and safeguards therein, if it determines the following:

1. The use is consistent with the goals, policies and plans of the city comprehensive plan, including future land uses, utilities, streets and parks.

2. The use is consistent with this code, especially this title and the intent of the specific zoning district in which the use is located.

3. The use would not be materially injurious to existing or planned properties or improvements in the vicinity.

4. The use does not have an undue adverse impact on existing or planned city facilities and services, including streets, utilities, parks, police and fire, and the reasonable ability of the city to provide such services in an orderly, timely manner.
5. The use is generally compatible with existing and future uses of surrounding properties, including:

   a. Aesthetics/exterior appearance.
   b. Noise.
   c. Traffic.
   d. Drainage.
   e. Fencing, landscaping and buffering.
   f. Other operational characteristics.

6. The property is appropriate for the use considering:

   a. Size and shape.
   b. Topography.
   c. Vegetation.
   d. Other natural and physical features.
   e. Access.
   f. Traffic volumes and flows.
   g. Utilities.
   h. Parking, setback, lot coverage and other zoning requirements.
   i. Emergency access, fire lanes, hydrants, and other fire and building code requirements.

7. The use does not have an undue adverse impact on the public health, safety or welfare.

8. The use does not have an undue adverse impact on the environment, including, but not limited to, surface water, ground water and air quality.

B. Approval of the conditional use permit shall require a four-fifths (4/5) vote of the entire council. The council shall either approve or deny the conditional use permit application within the time limit established by Minnesota statutes section 15.99.

**Title 10, Chapter 6 – Zoning Regulations, Land Use Matrices**

Section 10-6-1: Land Uses in All Residential Districts:

P = Permitted use  
C = Conditionally permitted use
A = Accessory use

<table>
<thead>
<tr>
<th>Accessory uses:</th>
<th>A</th>
<th>E-1</th>
<th>E-2</th>
<th>R-IA</th>
<th>R-IB</th>
<th>R-1C</th>
<th>R-2</th>
<th>R-3A</th>
<th>R-3B</th>
<th>R-3C</th>
<th>R-4</th>
<th>MF-PUD</th>
<th>MU-PUD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off street parking</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>

Section 10-6-2: Land Uses in All Nonresidential Districts:

P = Permitted use
C = Conditionally permitted use
A = Accessory use

<table>
<thead>
<tr>
<th>Use</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
<th>B-4</th>
<th>OP</th>
<th>I-1</th>
<th>IOP</th>
<th>I-2</th>
<th>P</th>
<th>MU-PUD</th>
<th>COMM-PUD</th>
<th>OFFICE-PUD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off street parking</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>

Title 10, Chapter 15, Article A – Zoning Regulations, Performance Standards, Off Street Parking and Loading
Section 10-15A-1: Land Uses in All Nonresidential Districts:

Regulation of off street parking and loading spaces in this article is to alleviate or prevent congestion of the public right of way and so to promote the safety and general welfare of the public by establishing minimum requirements for off street parking, loading and unloading from motor vehicles in accordance with the utilization of various parcels of land and structures. All applications for a building permit in all districts shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of off street parking and loading spaces in compliance with the requirements of this article.

Signage

Title 10, Chapter 6 – Zoning Regulations, Land Use Matrices

Section 10-6-1: Land Uses in All Residential Districts:

\begin{itemize}
  \item \textit{P} = Permitted use
  \item \textit{C} = Conditionally permitted use
  \item \textit{A} = Accessory use
\end{itemize}

<table>
<thead>
<tr>
<th>Use</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Accessory uses:</td>
<td></td>
</tr>
<tr>
<td>Signs</td>
<td>A</td>
</tr>
</tbody>
</table>

Section 10-6-2: Land Uses in All Nonresidential Districts:

\begin{itemize}
  \item \textit{P} = Permitted use
  \item \textit{C} = Conditionally permitted use
  \item \textit{A} = Accessory use
\end{itemize}
Title 10, Chapter 13, Article B – Zoning Regulations, Special Use Districts, Shoreland Management

Section 10-13B-6: Administrative and Enforcement:

B. Permit Requirements:

1. Permit Required: A permit is required for the construction of buildings or building additions (and including such related activities as construction of fences, decks and signs),

Title 10, Chapter 15, Article E – Zoning Regulations, Performance Standards, Signs and Billboards

Section 10-15E-2: Permit and Compliance Required:

A. Compliance With Provisions: It shall be unlawful for any person to erect, alter, relocate, lease, repaint, construct, maintain or use signs or billboards, or to cause others to do so, or to lease or rent lands for such purposes, within the city, except as herein specifically provided. (Ord. 1098, 11-8-2004)

B. Permit Required; Application And Fee: Each of the signs or billboards permitted by this article, except those provided for in section 10-15E-11 of this article, shall be constructed, used and maintained only upon completion and city approval of a written permit application therefor and upon payment of the annual permit fee herein provided. Each person signing said application shall be deemed a permittee for the purpose of this article. Application for permits for signs or billboards shall be submitted to the building official who shall grant the permit if the applicant complies with the provisions of this article. No permit for the construction of a
dynamic display billboard or the conversion of any portion of a nondynamic display billboard to a dynamic display billboard shall be granted until the city council has approved an agreement with the permittee for the community and public service message display required in subsection 10-15E-6i4i of this article.

C. Revocation Of Permit: The building official is authorized and empowered to revoke any permit issued under this article upon failure of the holder thereof to comply with the provisions of this article or the provisions of any permit issued pursuant to this article.

Section 10-15E-3: Signs A Permitted Accessory Use; Regulations:

Signs, unless otherwise prohibited, are a permitted accessory use in all use districts subject to the following regulations:

A. Design Standards: Signs, billboards and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area, and shall be constructed in a good workmanlike manner so as to be a safe structure and shall be securely fastened so as not to be a hazard to persons or property.

B. Corner Lots; Calculation Of Sign Size: The narrowest frontage width on corner lots shall be used for the purpose of calculating total permissible aggregate square footage of all signage on the lot.

C. Advertising Benches: Advertising benches at public transit stops shall be permitted in all zoning districts, subject to the approval of the director of public works and building official.

D. Beacons And Similar Devices: There shall be no use of revolving beacons, beamed lights, or similar devices that would so distract automobile or air traffic as to constitute a safety hazard.

E. Development Signs: For the purpose of selling or promoting a residential project of six (6) or more dwelling units, a business area of three (3) acres or more, or an industrial area of ten (10) acres or more, one sign, not to exceed two hundred forty feet (240') of advertising surface, may be erected upon the project site. Such sign shall not remain after ninety percent (90%) of the project is developed.

F. Flashing And Revolving Signs: Flashing and revolving signs shall not be permitted within the E, R and B-1 districts. There shall be no flashing or revolving sign in the front yard of any district or within one hundred twenty five feet (125') of a street intersection or of a residential use district.

G. Motor Fuel Station Signs: Each motor fuel station is allowed one freestanding sign. This sign shall comply with the regulations found in subsection 10-15-23G of this chapter.

H. Painted Signs: Signs shall not be painted directly on the outside wall of a building. Signs shall not be painted on a fence, rocks, or similar structure or feature in any district. Paper and similar signs shall not be attached directly to a building wall by an adhesive or similar means.
I. Real Estate Signs: For the purpose of selling, renting or leasing property, a sign, not in excess of sixty four (64) square feet per surface in multiple-family residential, business, and industrial districts, and twenty five (25) square feet in single-family residential, agricultural, and estate districts, may be placed within the front yard of such property to be sold or leased. Such signs shall not be less than ten feet (10') from the right of way unless flat against the structure.

J. Signs In Public Right Of Way: Private signs are prohibited within the public right of way or easements, except that the council may grant a temporary sign permit to locate signs and decorations on or within the right of way for a specified time not to exceed sixty (60) days.

K. Illumination Of Symbols, Statues Or Sculptures: Symbols, statues, sculptures and integrated architectural features on nonresidential buildings may be illuminated by floodlights, provided the direct source of light is not visible from the public right of way or adjacent to a residential district.

L. Traffic: No sign or other advertising structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision, or any location where, by reason of the sign's or structure's position, shape or color, it would interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No sign or other advertising structure shall be effected or maintained which makes use of the word "STOP", "LOOK", "DRIVE-IN", or "DANGER", or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.

Section 10-15E-5: Temporary Portable Signs:

Temporary portable signs shall be allowed by permit only. The permit shall allow a single temporary portable sign for a maximum duration of sixty (60) continuous calendar days. No more than one permit shall be in effect for any business at one time. During a calendar year, more than one permit may be issued to a business, provided that the total number of calendar days covered by the multiple permits does not exceed sixty (60) days in a calendar year. Each permit requires a separate permit fee. Temporary portable signs shall conform to all other provisions of this title, except that such signs may be placed at a setback of not less than ten feet (10') from any property line.

Section 10-15E-7: Signs in A, E, and R Districts:

D. One business sign up to sixty four (64) square feet in area per surface shall be permitted for a stand for the sale of agricultural products in the A zoning district. In addition, up to two (2) off site directional signs may be allowed for a stand for agricultural products if deemed necessary by the city council for traffic safety reasons. The directional signs shall be located outside of the public right of way and shall maintain a ten foot (10') setback from all property lines. The directional signs shall only be permitted during the season when the stand is open for business and shall be of a size as determined by the city council.
E. Any sign with over one square foot of surface shall be set back at least ten feet (10') from any property line. No sign shall exceed ten feet (10') in height above the average grade level. Signs may be illuminated, but such lighting shall be diffused or indirect and not illuminate beyond any lot line.

Section 10-15E-8: Signs in B, I, and P Districts:

Within the B, I and P districts, nameplate signs and business signs are permitted subject to the following regulations:

A. Within the B-1 district, the aggregate square footage of sign space per lot shall not exceed the sum of one square foot per front foot of building, plus one square foot for each front foot of lot not occupied by a building. No individual sign surface shall exceed fifty (50) square feet in a B-1 district.

B. Within the B-2 district, the aggregate square footage of sign space per lot shall not exceed the sum of two (2) square feet per front foot of building, plus one square foot for each front foot of lot not occupied by such building, which fronts on a public right of way fifty feet (50') or more in width. No individual sign surface shall exceed one hundred (100) square feet. (Ord. 1098, 11-8-2004)

C. Within the B-3 district, the aggregate square footage of sign space per lot shall not exceed the sum of four (4) square feet per front foot of building, plus one square foot per front foot of lot not occupied by a building. No individual sign surface shall exceed one hundred (100) square feet except billboards, and the sign surface of one wall sign on a building with at least fifty thousand (50,000) square feet of gross floor area may be as large as three hundred fifty (350) square feet. All wall signs greater than one hundred (100) square feet must be entirely static. (Ord. 1175, 5-27-2008)

D. Within the B-4 district, the aggregate square footage of sign space per lot shall not exceed the sum of two and one-half (2 1/2) square feet for each front foot of lot which fronts on a public right of way fifty feet (50') or more in width. No individual sign surface shall exceed two hundred forty (240) square feet in area, nor shall two (2) or more signs be so arranged and integrated as to cause an advertising or display surface over two hundred forty (240) square feet, except the sign surface of one wall sign on a building with at least fifty thousand (50,000) square feet of gross floor area may be as large as three hundred fifty (350) square feet. All wall signs greater than one hundred (100) square feet must be entirely static. (Ord. 1175, 5-27-2008)

E. Within the P district, the aggregate square footage of sign space per lot shall not exceed the sum of one square foot per front foot of building, plus one square foot for each front foot of lot not occupied by a building. No individual sign surface shall exceed seventy five (75) square feet in a P district. (Ord. 1098, 11-8-2004)

F. Within any I district, the aggregate square footage of sign space per lot shall not exceed the sum of four (4) square feet per front foot of building, plus one square foot per front foot of
property not occupied by a building. No individual sign surface shall exceed one hundred (100) square feet, except for the following:

1. Billboards.

2. For lots zoned I-1 and I-2, the sign surface of one wall sign on a building with at least fifty thousand (50,000) square feet of gross floor area may be as large as three hundred fifty (350) square feet. All wall signs greater than one hundred (100) square feet must be entirely static. (Ord. 1175, 5-27-2008)

G. Within all B, I and P zoning districts, the maximum sign height for a property shall not exceed the height of the principal structure on the property by more than ten feet (10}') except billboards.

H. Within all B, I and P zoning districts, the aggregate square footage of wall mounted signs shall not exceed ten percent (10%) of the surface area of the face of the building upon which the signs are to be mounted. Excluded from this restriction shall be signs for the purposes of regulating traffic movement, identifying loading areas, and similar signs.

I. In all B, I and P zoning districts, freestanding signs shall be placed at a minimum setback of ten feet (10}') from any property line. Signs exceeding one hundred (100) square feet of individual sign surface (per side) shall be set back a minimum of twenty feet (20}') from any property line.

J. Within the B-3, I-1 and I-2 zoning districts, pedestal signs shall be permitted adjacent to the front property line at a rate of one such sign per lot, with an additional pedestal sign being permitted for each two hundred (200') linear feet of lot frontage in excess of two hundred feet (200'). Pedestal signs shall not be spaced closer than two hundred feet (200') apart.

Section 10-15E-9: Removal of Signs:

A. Dangerous, Illegal Signs:

1. If the building official shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or constitutes a danger to the public, or has been constructed or erected or is being maintained in violation of the provisions of this article, the building official shall give written notice to the permittee thereof.

Composting

Title 8, Chapter 6 – Water and Sewer; Public Services, Solid Waste and Disposal

Section 8-6-2: Collector Licensing Provisions:

A. License Required; Exemptions:

...
2. The license requirements of this chapter shall not apply to persons who haul mixed municipal solid waste, construction debris, or recyclables from their own residences or business properties, provided that the following conditions are met:

\[ \ldots \]

e. Yard waste is privately composted, or is only dumped or unloaded at a composting facility authorized by the county, or through a licensed collector.

Section 8-6-6: Private Composting:

The private composting of yard wastes is permitted if the following conditions are met:

A. The compost pile shall be screened from view of the public right of way.

B. The compost pile shall be fenced or enclosed on three (3) sides to prevent the scattering of yard wastes.

C. The compost pile shall be managed in a manner to prevent odor, harborage of animals, and the stockpiling of material which does not readily decompose within a calendar year including, but not limited to, refuse, fibrous material, and prunings.

D. Only the yard waste which is produced on the premises can be composted on that premises.

See Garbage Disposal & Recycling

Garbage Disposal & Recycling

**Title 8, Chapter 6 – Water and Sewer; Public Services, Solid Waste and Disposal**

Section 8-6-4: Collector Duties and Obligations:

D. Collection Of Recyclable Material:

1. Collection Required:

   a. Each licensed collector shall provide each customer who resides in a residential unit the opportunity to recycle through a curbside recycling program on each scheduled day, or biweekly on the scheduled day during that week; provided, however, collection of the recyclable material may occur at a time during the day that is different than the time of collection for mixed municipal solid waste. Any collector who begins to collect from a residential unit during the term of said license will be required to provide this service. The mixing of source separated targeted recyclables with other mixed municipal solid waste by the licensed collector is prohibited, subject to subsection D4 of this section. (Ord. 1080, 3-8-2004)
b. Licensed collectors who collect mixed municipal solid waste from multi-family residential units shall provide an opportunity to recycle by providing the separate collection of targeted recyclables by April 1. The program must be approved by the city council upon a recommendation from the city staff.

2. Limitation On Obligation To Collect Recyclable Material: The licensed collector shall not be obligated to collect recyclable material from a residential unit on those occasions when any of the following circumstances exist:

   a. The targeted recyclables have not been placed in a location to allow curbside collection.

   b. The residential unit has not separated the targeted recyclables from other mixed municipal solid waste.

3. Right To Subcontract: Any licensed collector who wishes not to directly provide recycling service must provide the service through a written subcontract with a person or company approved by the city as a condition of license. The subcontractor shall have a license hereunder and comply with all provisions of this chapter, as well as all local, state and federal laws.

4. Marketing Of Recyclable Material: Licensed collectors are free to market the collected recyclable material to any company or entity that engages in the process of recycling. Any sums paid to the collector by the recycling company shall be retained by the collector and shall not be paid over to the city. Disposal in a sanitary landfill or incinerator of any source separated targeted recyclable that has been set out by the customer for separate collection is prohibited without prior written permission from the city administrator or designated city staff.
APPENDIX G: APPENDIX G: STATE EXEMPTIONS FROM STATE FOOD HANDLERS LICENSING REQUIREMENTS

Exemptions from State Food Handlers Licensing Requirements

Minnesota state law requires that “every person who handles food… obtain a license” further indicating that “all producers, packagers, labelers, handlers, distributors and vendors of food, whether or not subject to licensing, shall be required to comply with the applicable rules adopted by the commissioner [of agriculture].” Specifically, any person that engages in the business of manufacturing, processing, selling, handling, or storing of food must obtain a license. At the same time, a few exceptions to this licensing requirement exist discussed, below. Please note, this is not meant to be an exhaustive list and state law includes additional exemptions.

Minnesota Constitution

Exception: The Sale of Farm and Garden Products

The Minnesota Constitution exempts “growers” from obtaining a license to sell their farm and garden products. The Minnesota Constitution, indicates that “Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor.”

Therefore, the City of Inver Grove Heights cannot require a grower to apply for a food license if that person falls under this constitutional provision.

This provision means:

- A farmer can sell his/her crops without a food license.
- A gardener or other grower can sell his/her produce without a food license.
- A farmer or individual can sell eggs directly from his/her farm or home to an individual customer with no licensing, registration, or inspection.

This Constitutional provision has been interpreted in the following ways:

- Provision of state constitution allowing any person to sell or peddle products of farm or garden occupied and cultivated by him without obtaining license therefor does not exempt a farmer from health and safety regulations that prohibit the sale of uninspected meat. (*State v. Hartmann*, 2005, 700 N.W.2d 449).
- The sale of “related products” are not exempt from a peddling license. (Farmer who grows broom corn from which he makes brooms and sells them to merchants and at private houses was required to have a peddler's license to sell the brooms, and is not exempt therefrom by Constitution. (Op.Atty.Gen., 1928, No. 250, p. 231).
• Meats from animals and turkeys and chickens raised on land occupied by a farmer who sells such meat in city constitutes “products of the farm or garden”, therefore city could not require farmer to be licensed in order to sell such product. (Op.Atty.Gen., 1940, No. 213, p. 263).

The constitutional provision does not cover (and therefore, these farmers and growers would still likely need some sort of food license in order to sell their products):

• Processed foods
• Products cultivated on land NOT occupied by the grower

To date, there is no clear legal ruling that interprets what exactly is meant when the constitutional provision requires the garden or farm be “occupied” by the grower/farmer/seller.

**Minnesota Statutes**

Exemption: Small Scale Production & Minnesota’s Cottage Food Law (formerly known as Minnesota’s “Pickle Bill”)

Minnesota state law creates an exemption from the state licensing requirements for individuals selling “home-processed” and “home-canned” foods, so long as the sale of these products meets certain statutory requirements. This law, formerly referred to as the “Pickle Bill”, was amended in 2015 to the current “Cottage Foods Exemption”. The 2015 Cottage Foods Exemption identifies certain circumstances under which an individual preparing and selling certain foods is exempt from obtaining a food handlers license.

**Minnesota Statutes Chapter 28A. Licensing Food Handlers**

[28A.152] COTTAGE FOODS EXEMPTION

*Subdivision 1. Licensing provisions applicability.*

(a) The licensing provisions of sections 28A.01 to 28A.16 do not apply to the following:

(1) an individual who prepares and sells food that is not potentially hazardous food, as defined in Minnesota Rules, part 4626.0020, subpart 62, if the following requirements are met:

(i) the prepared food offered for sale under this clause is labeled to accurately reflect the name and address of the individual preparing and selling the food, the date on which the food was prepared, and the ingredients and any possible allergens; and

(ii) the individual displays at the point of sale a clearly legible sign or placard stating: “These products are homemade and not subject to state inspection.”; and

(2) an individual who prepares and sells home-processed and home-canned food products if the following requirements are met:
(i) the products are pickles, vegetables, or fruits having an equilibrium pH value of 4.6 or lower;

(ii) the products are home-processed and home-canned in Minnesota;

(iii) the individual displays at the point of sale a clearly legible sign or placard stating: "These canned goods are homemade and not subject to state inspection."; and

(iv) each container of the product sold or offered for sale under this clause is accurately labeled to provide the name and address of the individual who processed and canned the goods, the date on which the goods were processed and canned, and ingredients and any possible allergens.

(b) An individual who qualifies for an exemption under paragraph (a), clause (2), is also exempt from the provisions of sections 31.31 and 31.392.

Subd. 2. Direct sales to consumers.

(a) An individual qualifying for an exemption under subdivision 1 may sell the exempt food:

(1) directly to the ultimate consumer;

(2) at a community event or farmers’ market; or

(3) directly from the individual's home to the consumer, to the extent allowed by local ordinance.

(b) If an exempt food product will be delivered to the ultimate consumer upon sale of the food product, the individual who prepared the food product must be the person who delivers the food product to the ultimate consumer.

(c) Food products exempt under subdivision 1, paragraph (a), clause (2), may not be sold outside of Minnesota.

(d) Food products exempt under subdivision 1 may be sold over the Internet but must be delivered directly to the ultimate consumer by the individual who prepared the food product. The statement "These products are homemade and not subject to state inspection." must be displayed on the Web site that offers the exempt foods for purchase.

Subd. 3. Limitation on sales.

An individual selling exempt foods under this section is limited to total sales with gross receipts of $18,000 or less in a calendar year.

Subd. 4. Registration.

An individual who prepares and sells exempt food under subdivision 1 must register annually with the commissioner. The annual registration fee is $50. An individual with $5,000 or less in annual gross receipts from the sale of exempt food under this section is not required to pay the registration fee.
Subd. 5. Training.

(a) An individual with gross receipts between $5,000 and $18,000 in a calendar year from the sale of exempt food under this section must complete a safe food handling training course that is approved by the commissioner before registering under subdivision 4. The training shall not exceed eight hours and must be completed every three years while the individual is registered under subdivision 4.

(b) An individual with gross receipts of less than $5,000 in a calendar year from the sale of exempt food under this section must satisfactorily complete an online course and exam as approved by the commissioner before registering under subdivision 4. The commissioner shall offer the online course and exam under this paragraph at no cost to the individual.

Subd. 6. Local ordinances.

This section does not preempt the application of any business licensing requirement or sanitation, public health, or zoning ordinance of a political subdivision.

Subd. 7. Account established.

A cottage foods account is created as a separate account in the agricultural fund in the state treasury for depositing money received by the commissioner under this section. Money in the account, including interest, is appropriated to the commissioner for purposes of this section.

Exemption: Minnesota’s Farmers’ Market or Community Event Food Product Sampling and Demonstration Law

In 2014, the Minnesota Legislature passed the “Farmers’ Market or Community Event; Food Product Sampling and Demonstration” Law. This law allows farmers’ market vendors and individuals selling items at a community event to provide a small portion of a food item that includes as a main ingredient a product sold by the vendor at the farmers’ market or community event for promotional or educational purposes free of charge without obtaining a food handlers license.214

**Minnesota Statutes Chapter 28A, Licensing Food Handlers**

28A.151 FARMERS' MARKET OR COMMUNITY EVENT; FOOD PRODUCT SAMPLING AND DEMONSTRATION.

Subdivision 1. Definitions.

(a) For purposes of this section, the following terms have the meanings given them.

(b) "Farmers' market" means an association of three or more persons who assemble at a defined location that is open to the public for the purpose of selling directly to the consumer the products of a farm or garden occupied and cultivated by the person selling the product.
(c) "Food product sampling" means distributing to individuals at a farmers' market or community event, for promotional or educational purposes, small portions of a food item that include as a main ingredient a product sold by the vendor at the farmers' market or community event. For purposes of this subdivision, "small portion" means a portion that is no more than three ounces of food or beverage.

(d) "Food product demonstration" means cooking or preparing food products to distribute to individuals at a farmers' market or community event for promotional or educational purposes.

Subd. 2. Food sampling and demonstration.

The licensing provisions of [the Minnesota Consolidated Food Licensing Law] shall not apply to persons engaged in food product sampling or food product demonstrations.

Subd. 3. Food required to be provided at no cost.

Food provided through food product sampling or food product demonstrations must be provided at no cost to the individual.

Subd. 4. Regulatory authority oversight.

Any person conducting food product sampling or food product demonstrations shall provide to the regulatory authority upon request the following information related to the food product sampling or food product demonstration conducted by the person:

1. the source of the food used in the sampling or demonstration and whether or not the food was produced at the person's farm or garden;

2. the type and volume of food to be served, held, prepared, packaged, or otherwise provided for human consumption;

3. the equipment used to serve, hold, prepare, package, or otherwise provide food for human consumption;

4. the time period and location of the food product sampling or food product demonstration;

5. the availability of facilities for hand washing by persons conducting the food product sampling or food product demonstrations;

6. information on facilities available for ware washing of multiuse utensils and equipment;

7. the available source of water; and

8. methods of liquid and solid waste disposal.

Subd. 5. Food safety and equipment standards.

Any person conducting food product sampling or food product demonstrations shall meet the same food safety and equipment standards that are required of a special event food stand in Minnesota Rules, parts 4626.1855, items B to O, Q, and R; and 4626.0330.
Subd. 6. Definition exception.

The definition of farmers’ market in subdivision 1, paragraph (b), does not prohibit a farmers’ market association from establishing a definition of farmers’ market that applies to its membership that is more restrictive than the definition in subdivision 1, paragraph (b).
ENDNOTES

1 Inver Grove Heights, Minn., Code, § 10-2-2 (2014).
5 Minn. Const., art. 13, § 7.
6 Minn. Stat. §§ 157.16, 28A.04; Minn. R. Ch. 4626.
7 Minn. Rules Ch. 4626.
10 Minn. Stat. § 28A.04.
11 Minn. Rules Ch. 4626.
13 Minn. Rules 4626.0017; Minn. Stat. § 144.05.
14 Minn. Rules 4626.0017; Minn. Stat. § 144.05.
17 Minn. Rules 4626.1785.
18 Minn. Stat. §§ 31.101; 31.11.
19 Minn. Rules 4626.1785.
20 See generally Food, Dairy, Meat & Eggs, Minn. Dep’t of Agric., http://www.mda.state.mn.us/licensing/inspections.aspx (last visited May 19, 2015);
See also, Food & Feed Quality Complaint Form, Minn. Dep’t of Agric., http://www.mda.state.mn.us/en/food/safety/foodcomplaint.aspx (providing an example of the different types of food products that MDA regulates) (last visited Aug. 3, 2015).
21 See generally, Minn. Stat. Ch. 410 (home rule charter cities) and Minn. Stat. Ch. 412 (statutory cities).
23 Minn. Stat. § 462.352, subd. 15 (2014); see also Minn. Stat. § 394.22, subd. 6 (2014); Minn. Stat. § 473.582, subd. 9 (2014).
28 Inver Grove Heights, Minn., Code, Tit. 4 (2014).
29 Black’s Law Dictionary (2nd ed.) (“Permit”).
30 Minn. Stat. Ch. 462.
31 Minn. Stat. § 462.351.
32 Inver Grove Heights, Minn., Code, § 10-1-3(C) (2014).
37 Minn. Stat. § 473.121, subd. 2 (2014) (“the area over which the Metropolitan Council has jurisdiction, including only the counties of Anoka; Carver; Dakota excluding the city of Northfield; Hennepin excluding the cities of Hanover and Rockford; Ramsey; Scott excluding the city of New Prague; and Washington”).
40 Minn. Stat. § 473.852, subd. 7 (2014).
41 Minn. Stat. § 473.864, subd. 2 (2014).
Memorandum from Scott McLennan, Minn. Dept. of Labor & Industry, to Division code staff (Sept. 24, 2013)

League of Minnesota Cities, Information memo: Zoning Guides for Cities (2015),

42 INVER GROVE HEIGHTS, MINN., CODE § 10-4-1 (2015).
48 INVER GROVE HEIGHTS, MINN., CODE § 10-7-3-6(A)(2) (2014).
50 INVER GROVE HEIGHTS, MINN., CODE § 8-2-14 (2014).
51 INVER GROVE HEIGHTS, MINN., CODE § 10-6-1 (2014).
52 INVER GROVE HEIGHTS, MINN., CODE § 10-2-2 (2014).
56 INVER GROVE HEIGHTS, MINN., CODE § 9-1-1 (2014).
57 MINNESOTA BUILDING CODE, § 326B.101.
66 INVER GROVE HEIGHTS, MINN., CODE § 5-4-1 & 10-2-2 (2014).
67 INVER GROVE HEIGHTS, MINN., CODE § 5-4-1 (2014).
70 INVER GROVE HEIGHTS, MINN., CODE § 10-2-2 (2014).
73 INVER GROVE HEIGHTS, MINN., CODE § 10-6-1 (2014).
74 INVER GROVE HEIGHTS, MINN., CODE § 10-7-2 (2014). See also § 10-15-18(H)(2).
75 INVER GROVE HEIGHTS, MINN., CODE § 10-15-18(H)(2).
77 INVER GROVE HEIGHTS, MINN., CODE § 5-4-1 & 10-2-2 (2014).
78 INVER GROVE HEIGHTS, MINN., CODE § 5-4-1 (2014).
81 INVER GROVE HEIGHTS, MINN., CODE § 10-5-7(A)(2) (2014).
82 INVER GROVE HEIGHTS, MINN., CODE § 10-5-7(A)(2) (2014).
83 INVER GROVE HEIGHTS, MINN., CODE § 5-4-2(B) (2014).
86 INVER GROVE HEIGHTS, MINN., CODE § 10-6-1 (2014).
87 INVER GROVE HEIGHTS, MINN., CODE § 5-4-2(B)(6) (2014).
88 INVER GROVE HEIGHTS, MINN., CODE § 5-4-2(B)(3) (2014).
89 INVER GROVE HEIGHTS, MINN., CODE § 5-4-2(B)(5) (2014).
90 INVER GROVE HEIGHTS, MINN., CODE § 5-4-2(B)(6) (2014).
91 INVER GROVE HEIGHTS, MINN., CODE § 5-4-2(B)(7) (2014).
92 INVER GROVE HEIGHTS, MINN., CODE § 5-4-2(B)(7)(f) (2014).
93 INVER GROVE HEIGHTS, MINN., CODE § 5-4-2(B)(7)(c) (2014).
I


Inver Grove Heights, Minn., Code, § 10-6-1 (2014).

Inver Grove Heights, Minn., Code, § 10-6-2 (2014).


Inver Grove Heights, Minn., Code, § 10-15-17(C) (2014).


Minneapolis, Minn., Code, Title 20 §520.160.


Inver Grove Heights, Minn., Code, § 9-3-2 (2014).


Minn. Rules 1520 – 1555; Minn. R. 4625.

Minn. Rules 4626.0020 1-201.10, Subp. 36.


League of Minnesota Cities, Information memo: Zoning Guides for Cities (2015),

Minn. Stat. § 157.15, Subd. 5; Minn. R. 4626.0020 1-201.10, Subp. 5.

Minn. Rules 4626.0020 1-201.10, Subp. 35A.

Minn. Stat. § 157.15, Subd. 5.

Minn. Stat. § 28A.02.

Minn. Const., art. 13, § 7.


http://www.ci.inver-grove-heights.mn.us/documentcenter/view/3737 (viewed may 27, 2015)


Inver Grove Heights, Minn., Code, § 4-11-5 & (E) (2014).

Minn. Stat. §157.15, Subd. 12


Inver Grove Heights, Minn., Code, Title 4 (2014).


Inver Grove Heights, Minn., Code, § 10-6-1 (2014).
“Egg Sales,” Minnesota Institute of Sustainable Agriculture, http://www.misa.umn.edu/FarmFoodResources/LocalFood/EggSales/.
